

# SITTING AS COURT OF IMPEACHMENT

## JOURNAL OF THE SENATE

Wednesday, August 14, 1957

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The Senate, sitting as a court for the trial of Article of Impeachment against the Honorable George E. Holt, Circuit Judge for the Eleventh Judicial Circuit of Florida, convened at 9:00 o'clock A. M., pursuant to adjournment on Tuesday, August 13, 1957.

The Chief Justice presiding.

The Managers on the part of the House of Representatives, Honorable Thomas D. Beasley and Honorable Andrew J. Musselman, Jr., and their attorneys, Honorable William D. Hopkins and Honorable Paul Johnson, appeared in the seats provided for them.

The respondent, the Honorable George E. Holt, with his counsel, Honorable Richard H. Hunt, Honorable William C. Pierce and Honorable Glenn E. Summers, appeared in the seats provided for them.

CHIEF JUSTICE TERRELL: Order in Court.

Mr. Sergeant-at-Arms?

THE SERGEANT-AT-ARMS: Hear ye! Hear ye! Hear ye!

All persons are commanded to keep silence, on pain of imprisonment, while the Senate of the State of Florida is sitting for the trial of Article of Impeachment exhibited by the House of Representatives against the Honorable George E. Holt, Circuit Judge of the Eleventh Judicial Circuit of Florida.

CHIEF JUSTICE TERRELL: Call the roll, Mr. Secretary.

Whereupon, the Secretary called the roll and the following Senators answered to their names:

Adams	Carraway	Hair	Neblett
Beall	Clarke	Hodges	Pearce
Belser	Connor	Houghton	Pope
Bishop	Davis	Johns	Rawls
Boyd	Dickinson	Johnson	Shands
Brackin	Eaton	Kelly	Stenstrom
Branch	Edwards	Kicklitter	Stratton
Cabot	Gautier	Knight	
Carlton	Getzen	Morgan	

SECRETARY DAVIS: Thirty-four present, Mr. Chief Justice.

CHIEF JUSTICE TERRELL: The Senate will please rise, and Senator Pearce will offer a prayer.

SENATOR PEARCE: Let us pray.

Heavenly Father, the giver of grace and wisdom and justice, we commend to Thee all who are engaged in the government of this state and especially the work of this Senate. Grant unto us clean hands, pure hearts and unfailing devotion to the cause of righteousness.

To Thee, merciful Lord, we commend our work, praying that it may be such as will promote Thy love in our midst, to the relief of the oppressed, the putting down of all social evils and the redress of all social wrongs; that all that we think or speak or do be for the glory and the good of Thy people.

This we pray through Jesus Christ our Lord.

Amen.

By unanimous consent, the reading of the Journal of the proceedings of the Senate, sitting as a Court of Impeachment, for Tuesday, August 13, 1957, was dispensed with.

The Senate daily Journal of Tuesday, August 13, 1957, was corrected and as corrected was approved.

SENATOR DAVIS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Davis.

SENATOR DAVIS: I would like to make an announcement.

CHIEF JUSTICE TERRELL: The Court will hear you.

SENATOR DAVIS: I would like to announce that attorneys for both the Respondent and the State - - and I am making this announcement at the request of quite a few members of the Senate - - that the members of the Senate have tried to extend to both sides every possible courtesy. We have given time out, we have dilly dallied, so to speak - - we have been parties to it - - to, maybe, prolonging this thing a little more than necessary.

We have come to the point where, if the State and the defense can't wind this case up, the Senate will conclude it, and that will be some time this week.

We ask you to expedite matters just as efficiently as possible, and let's conclude the case just as soon as we possibly can.

Now, Mr. Chief Justice, that announcement is not an announcement from the Senate as a whole, but comes from quite a group of members of the Senate.

CHIEF JUSTICE TERRELL: Counsel, you have heard the announcement stated. Govern yourselves accordingly.

MR. JOHNSON: Are you ready to call the first witness?

CHIEF JUSTICE TERRELL: Yes.

MR. JOHNSON: Call John Bunten.

Thereupon,

JOHN BUNTEN,

a witness called and duly sworn in behalf of the House Managers, was examined and testified in rebuttal as follows:

### DIRECT EXAMINATION

BY MR. JOHNSON:

Q Will you state your name and address, please?

A John Bunten, Miami, Florida.

Q Mr. Bunten, were you at the Ray Dodge party on the night of December 20, 1955?

A Yes sir, I was there.

Q In what capacity were you there?

A Well, I was there handling the outside, greeting people at the door and taking care of the parking of cars of the guests, at the front door.

Q In other words, did you contract the job of parking their cars for the party?

A Yes sir, I did.

Q Did you have other boys working for you to aid you in parking the cars?

A Yes sir, depending on the size of the party. I work from four to maybe ten boys.

Q Have you done much of that kind of work at these private parties?

A Yes sir, for the last five or six years.

Q Had you had occasion to see Judge Holt at other parties?

A Yes sir.

Q You recognize Judge Holt, do you not?

A Yes sir.

Q Will you state to the Senate whether or not you saw Judge Holt when he left the Dodge party the night of December 20, 1955?

A Yes sir, I saw him.

Q Mr. Bunten, I want you to explain to the Senate, in your own words, everything that you saw or observed at that time?

A Well, the first time I saw Judge Holt was when someone - - I don't remember who - - asked me to bring his car up, that he was ready to leave. His car came and Judge wasn't out of the party yet.

Q About what time was that?

A This was around nine o'clock; and when I first saw the Judge coming out of the house he was being assisted by Mr. Prunty.

Q What Mr. Prunty is that?

A Judge Prunty.

Q The man who is now Judge Prunty?

A That's correct.

Q How was he assisting Judge Holt?

A With his hand under his arm.

Q Was anyone else assisting Judge Holt?

A Judge Holt's son was on the other side of him. He was on the right-hand side and Mr. Prunty was on the left-hand side, assisting him to the outside.

Q Now, where were you at this time, Mr. Bunten?

A Right at the front door.

Q What did you do and what did they do?

A Well, I had asked the colored boy driving Judge Holt's car to move the car up a little bit, because there were other cars coming up, and when he came out I proceeded then to open his car door.

Q What kind of a car was it?

A It was a Ford Station Wagon, a four-door.

Q Now, how far were you from Judge Holt and Judge Prunty during the time Judge Prunty was assisting Judge Holt to the Station Wagon?

A Well, no more than six or eight feet, I guess, and most of the time within touching distance of him.

Q What happened when you got to the Station Wagon?

A Well, Judge Holt didn't want to leave the party. He wanted to go back in, and - - well, I guess you would say he broke away from Mr. Prunty and Mr. Holt's son and started back to the house, but they persuaded him to get into the car. They sat him on the seat, I guess you would say, and as they put him in the car he fell off the seat onto the floor board.

Q You say Judge Holt fell off the seat of his car onto the floor board?

A That's right.

Q Were you right there when that happened?

A Yes sir, I was.

Q Mr. Bunten, did you form an opinion as to Judge Holt's sobriety at that time?

A Yes, I did.

Q What was his condition as to sobriety?

A He was drunk.

MR. JOHNSON: You may inquire.

#### CROSS EXAMINATION

BY MR. HUNT:

Q Mr. Bunten, how much are you being paid for this smear testimony of yours?

MR. JOHNSON: Now, if the Court please, we object to counsel asking that type of question. We think it is inappropriate for a proceeding of this nature and certainly unworthy of counsel for the Respondent to make such a statement.

MR. HUNT: Your Honor please, I intend to show this Senate that buying witnesses is most inappropriate in impeachment proceedings.

MR. JOHNSON: We object very strenuously to any such statement by counsel. Unless he is prepared to prove such a statement we ask that the Court reprimand him for such a statement.

MR. HUNT: If counsel will close his mouth, Your Honor please, I will undertake to prove what I said.

CHIEF JUSTICE TERRELL: Mr. Hunt, I don't think you have any right to make any such inquiry as that. You can inquire about the man's condition or his statement in a respectable kind of way, but there is no suggestion here that he has been bought or that he has been improperly influenced.

MR. HUNT: I wish to examine this witness on the consideration that has been paid him to come to Tallahassee, with the permission of the Court.

CHIEF JUSTICE TERRELL: Well, you can do that, but there is no suggestion yet - - -

MR. HUNT: Beg pardon?

CHIEF JUSTICE TERRELL: I say there is no suggestion that he has been bought. There is nothing that warrants any such question.

MR. HUNT: Well, I just started out my examination, Your Honor please.

CHIEF JUSTICE TERRELL: I suggest that you start out with a little different approach.

BY MR. HUNT:

Q Mr. Bunten, when were you first contacted by private investigator Roper?

A A week ago Sunday.

Q Did you tell him at that time the story you have told the Senate just now?

A No sir.

Q Why didn't you?

A Because I didn't want to get involved in it.

Q You called my house in the meantime, looking for me, didn't you?

A No sir, I didn't.

Q You didn't call my house and talk to my daughter?

A I sure didn't. I don't even know you.

Q You referred to me as "Judge Hunt" and did you tell them you had also tried to get Judge Holt on the phone?

A No sir, I didn't.

Q Did you later talk to Mr. Paul Louis, an attorney who was in the State Attorney's office in Miami, in connection with this matter?

A No sir.

Q You swear that under oath?

A I am.

Q At twelve-fifteen on August 4th Mr. Louis did not return a call to you, on my behalf, and have a conversation with you?

A No sir.

Q And you swear that under oath?

A I am under oath.

Q You have never talked to Mr. Paul Louis?

A No sir, not that I know of.

Q After Mr. Roper visited your house did you not call my home and also call the apartment house and leave word for me to call MU 80321? Is that your number?

A That's my number, but I never requested you to call.

Q You didn't do that?

A No sir.

Q Did you tell Mr. Louis in any conversation - - -

A I don't even know Mr. Louis.

Q Let me finish the question.

A All right.

Q Did you talk to a man named Paul Louis about this case and how you wanted to talk to Judge Holt and me before you made up your mind which way to go?

A No sir.

Q Did you tell Mr. Louis that the prosecutors, through Mr. Roper, had asked you to furnish one witness in addition to yourself, for this type of testimony?

A No sir.

Q You never did talk to Mr. Louis?

A No sir. I don't know Mr. Louis.

Q Sunday, August 4th, at twelve-fifteen?

A I wasn't even at my home at twelve-fifteen on Sunday.

Q Regardless of where you were, did you have any conversation over the telephone with Mr. Louis Sunday at twelve-fifteen, August 4th?

A No sir.

Q No conversation whatever?

A I don't even know the man.

Q That doesn't answer the question.

A No sir, I had no conversation with him.

Q Did you tell anyone over the telephone that Mr. Roper had been to see you and had encouraged you to sharpen your memory, and he was to come back, and you wanted to contact Judge Holt or me?

A No sir.

Q Before he returned?

A No sir.

Q Do you have a boy or a man with you named Hipps or Hibbs?

A There is a man named Hibbs, yes sir.

Q Is he the other man you nominated to come up here?

A I never nominated anybody. I never even nominated myself.

Q Didn't they tell you they had two subpoenas - - over the telephone - - and leave it up to you to furnish the other man?

A No sir.

Q They didn't?

A No sir, they didn't.

Q You didn't tell Mr. Louis that?

MR. JOHNSON: Excuse me. I would like to interrupt counsel and ask him to state who told this witness - -

MR. HUNT: I'll state what I please.

MR. JOHNSON: Well, we object to any such slanderous attack on the witness by innuendo and refusing to state the substance of the so-called conversation that counsel is referring to, unless he states who the other party was.

MR. HUNT: Before I get through I'll do just exactly what you say.

MR. JOHNSON: Well, we object to the question as now phrased.

CHIEF JUSTICE TERRELL: The objection is overruled.

BY MR. HUNT:

Q Mr. Bunten, I will ask you to state under oath whether, in the course of a conversation with Mr. Paul Louis at around twelve-fifteen this last Sunday, August 4th, you stated to him that your testimony against Judge Holt would be detrimental, if you had to give it, and Mr. Louis stated, "Boy, that's different than Judge Prunty's testimony up there, isn't it?" and you stated, "Yes, it is. As I said, I have no axe to grind either way. If I'm going to be driven into it, why, I didn't know which way I would go."

Did you state that or not?

A No sir.

Q Did you state, in a conversation to Mr. Paul Louis on about that occasion that Mr. Roper told you definitely that everything would be taken care of and that you would be well taken care of for coming up here?

A No sir.

Q On that Sunday you had no conversation whatever with Mr. Paul Louis in connection with this case?

A No sir.

Q You made none of the statements I have read to you?

A No sir.

Q Did you later talk to Mr. Louis on the telephone on August 6th at approximately 9:00 a.m.?

A No sir.

Q On Tuesday?

A No sir.

Q Did you have any conversation with him whatever?

A No sir.

Q Did he ask you in the conversation if you had been able to hear from me?

A I never talked to him.

Q You didn't talk to him at all?

A No sir.

Q You didn't ask him where I would be in Tallahassee, in case you could get loose long enough to talk to me?

A No sir.

Q You didn't tell him that you were taking the first flight out of Miami on Tuesday, that they had given you your subpoena?

A No sir.

Q You didn't tell Mr. Louis, "Well, they are making me take up another boy, too."?

A No sir.

Q "Is that right? What's the name of the man they are

going to take up?" and you answered, "Hibbs, Ray Hibbs, yeah."?"

A No.

Q That's all untrue?

A Yes sir.

Q You had no such conversation with Mr. Louis on either Sunday or Tuesday?

A No sir.

MR. HUNT: Your Honor please, at this time I would like to ask the Court Reporter if his machine can play back two transcriptions which I have before me, one entitled "Bunten, August 4th" - -

MR. JOHNSON: If Your Honor please - -

MR. HUNT: Just a minute.

MR. JOHNSON: Have you finished your proffer?

MR. HUNT: No sir; and another entitled "Bunten," to refresh the witness' recollection - -

MR. JOHNSON: If Your Honor please - -

MR. HUNT: As to a conversation he had with Mr. Louis, in my absence, after the witness had contacted my home and made every effort to contact me in connection with this matter.

MR. JOHNSON: Your Honor please, any such testimony or any such procedure would only be proper after proof as to the nature of these discs that he has proffered, who took them, and where and under what circumstances. It certainly is not proper at this time without properly identifying those discs that are proffered here.

CHIEF JUSTICE TERRELL: If I understand the purpose of this playing back or repeating back, as you say, it is to refresh the witness' recollection.

MR. HUNT: That is correct.

CHIEF JUSTICE TERRELL: Go ahead.

MR. JOHNSON: Would counsel state who took these discs and under what circumstances those recordings were made? Will counsel state that, please?

MR. PIERCE: Let the witness hear them.

MR. JOHNSON: Your Honor please, we request - -

CHIEF JUSTICE TERRELL: Let's have one counsel at a time. What is your objection?

MR. JOHNSON: We request that counsel state who took these discs and under what circumstances and where.

CHIEF JUSTICE TERRELL: When were these discs taken, Mr. Hunt?

MR. HUNT: These discs were taken during the conversations I have referred to. By whom it doesn't make any difference. We are asking that they be played for the purpose of refreshing the witness' recollection.

MR. JOHNSON: It is certainly competent, of course, who took them and under what circumstances, Your Honor.

MR. HUNT: I can assure you that if his recollection is not refreshed the person will be here.

MR. JOHNSON: Is this the tapping of a telephone, Judge Hunt, that you are referring to?

MR. PIERCE: It is ascertaining the truth.

MR. HUNT: I wish we could go ahead, Mr. Johnson.

MR. JOHNSON: We would like to inquire and insist that counsel furnish us with the circumstances under which these so-called recordings were taken.

CHIEF JUSTICE TERRELL: The purpose of this testimony is to refresh the witness' recollection, as I understand. I think he has a right to ask it.

MR. PIERCE: He can deny his own conversation when he hears it, if he wants to.

SENATOR JOHNS: Mr. Chief Justice, as I understand it, the defense don't want the witness to perjure himself and go to Raiford for life. Is that right?

MR. PIERCE: We want the truth to come out.

(At this point the Court Reporter, using an Audograph machine, played back the two discs or recordings handed him by the Secretary of the Senate.

One of the voices in these conversations was stronger and louder than the other and, in an effort to cause the machine to play back these voices at the same volume, the Reporter manipulated the volume control upon said Audograph. By reason of being busy playing back these recordings, and by reason of the fact that certain portions of the recordings were not readily understandable, the Reporter made no Shorthand report of the conversation contained in said recordings).

(Secretary's Note: Please see Addenda following the proceedings of Thursday, August 15, 1957).

BY MR. HUNT:

Q Now, Mr. Bunten, you heard the playing of the two transcriptions. I'll ask you to state whether or not the playing of those transcriptions refreshes your recollection about conversations you had with Mr. Paul Louis relating to this case?

A No sir, it does not.

Q You still say you had no such conversations?

A That's right.

Q Do you know Private Investigator Watson Roper?

A I know who he is, yes.

Q When was the last time you saw him?

A I saw him this morning.

Q When was the last time you saw him in Miami?

A A week ago Sunday.

Q Where did you see him a week ago Sunday?

A At my home.

Q Well, that just happens to be what you told Mr. Louis on Sunday at twelve-fifteen, doesn't it?

A No sir.

Q But that is true - - you did see Mr. Roper Sunday morning at your home?

A No sir. It was in the afternoon in place of in the morning.

Q What's that?

A It was in the afternoon. It was not in the morning.

Q Did Mr. Louis return a call to you at the time Mr. Roper was there?

A I don't know a Mr. Louis. I never talked to the man.

Q Did a man representing himself to be Mr. Louis return a call to you, and you asked him to call back in ten or fifteen minutes, you were tied up?

A No sir.

Q Did anyone call you while Mr. Roper was at your home?

A I don't remember. If he did my wife probably took the call.

Q Do you have Mr. Roper's card that he gave to you that Sunday?

A Do you mean do I have it here?

Q Yes.

A I don't think so.

Q Where is it?

A I don't know.

Q Look in your pocket and see if you have it, with his Tallahassee number on it, please?

A (After looking in wallet) No sir, I don't have it.

Q He did give you the card, though, didn't he?

A Yes sir, he gave me a calling card.

Q With his Tallahassee number on it?

A Yes sir.

Q That's a coincidence; that part of this transcription is true, isn't it?

A That he gave me the card?

Q With his Tallahassee number on it?

A That's correct, yes.

Q Is it true or not that you stated that if you were driven into it, why, quote, "I didn't know which way I would go"?

A No sir.

Q You heard that on the record, didn't you?

A I heard part of the record, sir.

Q When Mr. Roper talked to you on that Sunday is it true or untrue that when he gave you the card that he said he would notify you the next morning and that if your memory got any better, for you to get in touch with him? Is that correct?

A No sir. What he said to me was that he was going to take the night flight out of there if he could get on it, that he was trying to wind everything up, and if I should recall anything - - that's when he gave me the card - - that I could call him up there collect, that he was leaving that afternoon.

Q Well, according to the transcription, you gave the telephone number MU 80321. Does that happen to be your phone number?

A That's my telephone number. It sure is.

Q Now, the second transcription you heard, of Tuesday, August 6th, opened up with this statement from Mr. Louis:

"Hey, how are you, Mr. Bunten? They told me you called last night."

Answer, "Yes, I tried to get hold of you. I didn't hear from you yesterday. Evidently you didn't get hold of the Judge. Huh?"

Did that happen or not?

A No sir.

Q Is it true that you brought a man named Ray Hibbs up here with you, isn't it?

A I didn't bring anybody.

Q Did he come up with you?

A Yes sir, he came up with me.

Q And where was the subpoena delivered to him? Do you know?

A It was delivered at his home.

Q And who gave him the ticket? Do you know?

A I don't know. I never saw the man.

Q Never saw what man?

A I never saw the man that gave us the tickets. He left my ticket and my subpoena at Mr. Hibbs' house.

Q Left both tickets at your house?

A No sir, not at my house. He never came to my house. He went to Mr. Hibbs' house.

Q Did he leave both tickets or one ticket?

A Yes sir, both tickets. No, he didn't leave any tickets. He left the money, some money to buy a ticket, and the two subpoenas.

Q At Hibbs' house?

A Yes sir.

Q For both of you?

A Yes sir.

Q Did you state to Mr. Louis or anyone else that you didn't give Mr. Roper any names and that there was no way in the world that they could ever track that down, because the check you received for payment for that party is made to you only?

A No sir, I don't believe I made that statement, and I was paid cash, if I remember. I don't think I was paid by check.

Q You didn't state to Mr. Roper or to Mr. Louis that you were paid by check?

A No sir. I don't know whether I was or not.

Q Did you further state that you, in turn, paid the boys, and even Mr. Dodge knows that you contract for parties, but he doesn't especially know how many boys you hire, and that you contract for a flat fee and you, in turn, pay the boys? Did you state that to Mr. Roper or to Mr. Louis?

A Will you repeat that, please?

Q (Reading) "See, I was the only one that could tell. The fact is, I'm the only man that can tell everybody that worked that party, and that was what he wanted the other day - - said he wanted all the records, how many boys I had. I told him roughly how many I had, but I didn't give him any names, see, and there's no way in the world they could ever track that down because the check that I received for payment for that party is made to me. I pay the boys, even Mr. Dodge knows that I contract for parties, but he doesn't especially know how many, who was there or how many boys I have, or anything else. I just contracted for it on a flat fee, and that was it. He didn't know anybody, so - -"

Did you say that?

A No. I don't think so. Part of that is right and part of it is in error.

Q What part of it is right?

A That Mr. Dodge would be aware that I contract for those parties - - and I do contract for them - - but usually not at a flat fee. I usually charge them by the hour and so much for each boy.

Q Is it correct that the person giving the party pays you by check for you and your boys?

A Not always. Sometimes it's cash, sometimes it's by check.

Q What happened at the Dodge party?

A I couldn't tell you if I was paid by check or cash.

Q Will you stop to think? Didn't you receive a check from Mrs. Dodge?

A I couldn't tell you. I can't remember.

Q You still deny any conversation with Mr. Paul Louis?

A Yes sir, I do.

MR. HUNT: Your Honor, we would like the Secretary, if possible, to contact Mr. Louis at his office in Miami and ask him to come up here on the first plane - - Mr. Paul A. Louis. He is an attorney, and ex-Assistant State's Attorney in Miami.

That's all.

CHIEF JUSTICE TERRELL: I just had a question that

was sent up that I wanted to ask. Senator Kickliter, of the Court, sends up this question:

"Will the House Managers or defense counsel identify Mr. Roper, mentioned by Judge Hunt? Is he a private detective or an investigator? Who employed him and by whom is he paid or to be paid?"

MR. HUNT: Your Honor please, he is a private investigator in Miami and he has been employed by the House Managers ever since this thing began.

MR. BEASLEY: Your Honor, I thought the question was directed to the House Managers and not to Mr. Hunt.

MR. HUNT: You didn't hear it correctly. It was to either one of us, and I answered it.

MR. JOHNSON: We can answer the question, if Your Honor please. Mr. Roper is a former FBI - - served with the FBI for a number of years, who was employed and is now an investigator in Miami, who was employed by the Bar Association, together with other former FBI agents, to conduct the investigation of Judge Holt, and he was present at several of those hearings that have been referred to, in which Judge Holt and other people gave testimony before agents of the Bar Association.

Now, because of his knowledge of the case, the House Managers employed him, after the Impeachment Articles were brought against Judge Holt, to assist them in any further investigation, investigative work and to assist them in understanding this complex case.

He is here in Tallahassee. He is under subpoena by Judge Hunt and he has been under subpoena by Judge Hunt for several weeks.

MR. HUNT: Your Honor, I would like to offer these transcriptions for identification.

MR. SUMMERS: Mr. Chief Justice, I don't believe the question is fully answered. The Senator asked who employed him and what he was going to be paid and by whom.

MR. JOHNSON: The House Managers employed him.

MR. PIERCE: Who is paying him? That was also part of the question - - who is paying him?

MR. JOHNSON: I assume the House Managers are paying him.

MR. PIERCE: Do you mean you are, or Mr. Beasley?

MR. BEASLEY: Your Honor, we have a fund set up, at our request, by the Budget Commission to take care of our expenses.

MR. PIERCE: I thought that was for witnesses and private prosecutors.

MR. BEASLEY: No sir, you're wrong.

MR. PIERCE: I didn't know it was for private detectives.

MR. BEASLEY: No, you are wrong, Mr. Pierce, if you thought that. We can spend it any way we think necessary to prepare our case, and if we want private investigators we can get private investigators.

MR. PIERCE: I beg your pardon. You say you can spend it any way you see fit, huh?

SENATOR SHANDS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Shands.

SENATOR SHANDS: I would like to clarify that. The Senate is only paying the necessary expenses of the witnesses, so far as the fund that I am responsible for is concerned.

MR. JOHNSON: I believe that is correct. The Legislature allowed the payment of secretaries and other necessary personnel in this matter, and those are the circumstances under which Mr. Roper is being paid.

SENATOR SHANDS: That was my understanding.

SENATOR RAWLS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Rawls.

SENATOR RAWLS: As one member of this Court, I am tired of listening to counsel on both sides bickering back and forth, and I would like a little more decorum in this Court between counsel and a little more respect on each side. I am getting very tired of them addressing each other and not addressing their questions to the Chief Justice, and just running away with this trial.

SENATOR EATON: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Eaton.

SENATOR EATON: May I make this observation, please, sir?

CHIEF JUSTICE TERRELL: Yes sir.

SENATOR EATON: It would seem to me that we are getting a lot of testimony into the record, actually, from persons who have not been sworn here, and it occurs to me that if Mr. Roper is present he might be called as the Court's witness and he, himself, might be asked who is paying him and from where he expects to get his money, and in that way we would have sworn testimony to that effect.

CHIEF JUSTICE TERRELL: You have heard Senator Rawls' suggestion. Counsel will please govern themselves accordingly.

As to Senator Eaton's suggestion, I take it that Mr. Roper will be brought here at the proper time to testify.

Now, here is a question that has been sent up by Senator Stenstrom, of the Court. It is addressed to the witness:

"Was that your voice on the recordings? Did you have any conversation of this type with anyone and if so, whom?"

THE WITNESS: No sir, it was not my voice.

CHIEF JUSTICE TERRELL: Did you have any such conversation?

THE WITNESS: I had conversation. What do you mean by "conversation"? Not like it was on those records, no, I didn't.

CHIEF JUSTICE TERRELL: Senator Johns presents to the Court this question:

"How much is the House Manager paying Mr. Roper?"

MR. BEASLEY: Mr. Chief Justice, I am not sure about this - - and members of the Court - - I'm not sure about this, as Mr. Musselman, being down in the Miami area, knows more about it than I, but, as I recall, we - - and I could be wrong. I will have to talk with him about it. I would like to get those figures from Mr. Musselman. We can get them and I will tell you later. We have nothing to hide about that. It is all open and above-board.

CHIEF JUSTICE TERRELL: That will be the order, and the figures will be presented at the proper and appropriate time.

MR. JOHNSON: May we proceed, Your Honor?

CHIEF JUSTICE TERRELL: Are you through, Mr. Hunt?

MR. HUNT: Yes, sir.

CHIEF JUSTICE TERRELL: All right.

#### RE-DIRECT EXAMINATION

BY MR. JOHNSON:

Q Mr. Bunten, did you have occasion to also perform the same services, of parking cars, for the John Jacob Astor party, prior to the Dodge party?

MR. SUMMERS: Mr. Chief Justice, I am compelled to object to that. It is not in re-direct. They didn't go into it on direct examination and it is not within the specifications of the Bill of Particulars. It is solely for the purpose of trying to prolong this trial.

MR. JOHNSON: This is directly in rebuttal of the Respondent Holt's testimony yesterday.

MR. BEASLEY: This is re-direct.

MR. SUMMERS: Mr. Chief Justice, as I understand it, the gentleman is now on re-direct, and any question that the Respondent, Holt, answered in relation to the John Jacob Astor party yesterday was elicited by the other side, and was not then in proper cross.

CHIEF JUSTICE TERRELL: Objection sustained.

MR. JOHNSON: Judge, if there's any question about whether this is proper re-direct we will be happy to recall this witness on direct, in chief - - if that is the basis of the Court's sustaining the objection.

CHIEF JUSTICE TERRELL: I think you had better recall him.

MR. JOHNSON: All right, sir. We would like to recall the witness, John Bunten, at this time.

MR. HUNT: Your Honor please, the Court may as well rule now on whether or not counsel will be permitted to inquire of this witness as to some private party that took place some seven or eight months prior to anything mentioned in the specifications.

MR. JOHNSON: If the Chief Justice please, on Judge Holt's cross examination by Mr. Hopkins - -

MR. HUNT: May I finish, please?

MR. JOHNSON: Haven't you finished?

MR. HUNT: No, I haven't.

MR. JOHNSON: Go ahead, sir. I thought you had finished.

MR. HUNT: We object, your Honor please, to the questioning of this or any other witness on any subject not within the specifications.

Now, it was mentioned here yesterday that Judge Holt put in issue his own reputation. Your Honor will well recall, and so will the members of this Court, that we followed to the "T" the Archbald trial on the point, and the question of judicial integrity, and that alone, was put in issue here, and not what happened at somebody's private party. If they have any testimony on the question of the man's judicial integrity, that will be different, but to scrape up the happenings of a nighttime party, seven or eight months prior to anything laid in the specifications, is prejudicial to the Respondent and only serves unnecessarily to prolong these proceedings.

CHIEF JUSTICE TERRELL: I think that is too remote, Mr. Johnson. I sustain the objection.

MR. JOHNSON: Your Honor please, I might point out to the Court, if I may be heard upon this matter before the Court rules, that in Article I (f), concerning ethics, we have recited in the Bill of Particulars that Section Four of the Canons of Ethics says, "A Judge's official conduct should be free from impropriety and the appearance of impropriety. He should avoid infractions of the law and his personal behavior, not only on the bench and in the performance of his judicial duties, but also in his everyday life, should be beyond reproach."

Then we say, "Among other things, in that he did on December 20th," and we go on and describe the automobile accident.

We have that Canon of Ethics before us, if Your Honor please, and, also, I recall the testimony of Judge Prunty to the effect that he had seen Judge Holt occasionally take a drink but never had seen him drunk, or words to that effect. We also have Judge Holt's testimony that he was not passed out on the lawn in front of the John Jacob Astor party.

We submit to the Court and we proffer to prove by this witness that Judge Holt was passed out on the lawn at the John Jacob Astor party, contrary to what Judge Holt testified on cross examination. That is the purpose of that question.

SENATOR SHANDS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Shands.

SENATOR SHANDS: I, as a layman, speaking for myself and following the Bill of Particulars submitted at the beginning of this trial think that if we are going on a fishing

expedition over the many years that have passed, Lord knows when we will get out of this place.

I do think, myself, as a layman, that we should confine ourselves to the Bill of Particulars instead of going on a fishing expedition.

MR. JOHNSON: If that is the feeling of the Senate, we will abandon the question, Mr. Chief Justice.

CHIEF JUSTICE TERRELL: I didn't understand you.

MR. JOHNSON: I say we will withdraw the question, if that is the feeling of the Senate.

CHIEF JUSTICE TERRELL: I think it is too remote.

MR. JOHNSON: We have no further questions.

MR. HUNT: No questions.

MR. JOHNSON: Come down. Call Ray Hibbs.

MR. HUNT: We will ask this witness to be retained under subpoena.

(Witness excused from stand).

SENATOR BRACKIN: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Brackin.

SENATOR BRACKIN: I move that this witness who just left the stand be instructed to not discuss his testimony inside or outside of this Courtroom with any other one. He is still under subpoena.

CHIEF JUSTICE TERRELL: You have heard Senator Brackin's motion.

MR. JOHNSON: May I ask a question? Does that include that he shall not discuss it with counsel for the Respondent or with counsel for the Managers?

SENATOR BRACKIN: No. He may discuss it with counsel on either side.

CHIEF JUSTICE TERRELL: You have heard the motion, gentlemen. All in favor of it say "aye."

(Those in favor of the motion so voted).

CHIEF JUSTICE TERRELL: Opposed, "no."

(There were no votes in opposition to the motion).

CHIEF JUSTICE TERRELL: The "ayes" have it. The motion is carried. You can call the witness in, Mr. Sergeant-at-Arms.

MR. JOHNSON: Call Mr. Hibbs.

MR. HUNT: Mr. Sergeant-at-Arms, will you call Mr. Bunten back so the Chief Justice can instruct him? Thank you.

SENATOR CARRAWAY: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Carraway.

SENATOR CARRAWAY: Being a layman, I would like to ask for a point. Doesn't that Rule apply to all witnesses?

CHIEF JUSTICE TERRELL: Yes sir. It certainly applies to them when they are put under the Rule.

SENATOR CARRAWAY: Mr. Chief Justice, I move that that Rule apply to all witnesses from now on.

SENATOR EATON: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Eaton.

SENATOR EATON: Before you put the question I would like to make this observation: Certainly the Rule applies, but Senator Brackin's motion was simply to advise this particular witness of the Rule, because he was not here when the others were put under the Rule, and possibly he was not aware of it.

SENATOR BRACKIN: That's right.

SENATOR CARRAWAY: Mr. Chief Justice, I feel that all of them should operate under the same Rule.

SENATOR STENSTROM: It is my understanding that all

of the witnesses who have been subpoenaed to be at this trial are supposed to be under the Rule, which means that they can't discuss the facts or the issues in this case with any other person whomsoever except counsel in this trial. I think that we should instruct our Sergeant-at-Arms, who is not presumed to know this, that as each of these witnesses comes in they are under the Rule and that they cannot discuss their testimony with any person at all, and I second the motion of the Senator from the Eighth.

SENATOR BRACKIN: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Brackin.

SENATOR BRACKIN: My motion was that this witness be pointed out in particular and advised of that situation. That motion was carried.

CHIEF JUSTICE TERRELL: Mr. Witness, you were not here when the trial started, were you?

MR. BUNTEN: No sir.

CHIEF JUSTICE TERRELL: He has not been put under the Rule and is not familiar with the Rules. The Senate has just adopted a motion that you be instructed that you do not discuss this case with anyone except counsel, and that you will hereafter be considered under the Rule of the Senate which provides that you do not discuss the evidence in this case with anyone outside of counsel.

If that is not sufficient, why - -

SENATOR STENSTROM: Mr. Chief Justice, I would like to second the motion of the Senator from the Eighth that the same procedure apply to all the witnesses who are subpoenaed to testify, from here on out.

CHIEF JUSTICE TERRELL: You have heard the motion, gentlemen. All in favor let it be known by saying "aye."

(Those in favor of the motion so voted).

CHIEF JUSTICE TERRELL: Opposed, "no."

(There were no votes against the motion).

CHIEF JUSTICE TERRELL: The motion is carried, and the Sergeant-At-Arms is charged accordingly.

MR. HUNT: Mr. Chief Justice, in that connection I would like to call the attention of the Court to the fact that the House Managers have been retaining their witnesses down somewhere around the House Chamber. They have not, with very few exceptions, been in the official witness room, which was pointed out to both sides at the beginning of this trial and which is under the surveillance of the Sergeant-At-Arms.

I drew that to the attention of the Chief Justice and complained of it in the presence of the Managers and their prosecutors here a few days ago.

We have had no opportunity to talk to their witnesses, to know whom they had here in Tallahassee to testify, because they have not sent them to the official Sergeant-At-Arms Witness Room, but have been retaining them down at the other end of the hall, and we request that henceforth all witnesses to be called by the House Managers be deposited in the official witness room, where the will of this body and the instructions of Your Honor can be carried out.

MR. BEASLEY: Mr. Chief Justice and members of the Court;

In reply to what counsel has to say about that I would like to say that our witnesses have reported here and that when witnesses come in on an early plane we do take them over to the witness room in the House, to the work room where we are working in the House, in an effort to prepare our case. We have not intentionally tried to bring any witnesses in and keep them from counsel for the Respondent and we don't intend to. They can see any witness they want to, and I want to say that the Managers on the part of the House have conducted this trial, I think, with as much or more dignity than counsel on the other side.

SENATOR POPE: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Pope.

SENATOR POPE: I move, sir, that when a difference occurs between counsel in this manner, that they take it up with the Presiding Officer, and that he rule, and that we follow the suggestion of the Senator from the Twenty-fourth and save taking up the time of this Senate through bickering between counsel for both parties. I think that is something that we have talked about for about fifteen minutes here already, when we could have been proceeding with this case, and it is something that I believe the Chief Justice is competent to settle without a ruling and a motion from this body.

SENATOR DICKINSON: Mr. Chief Justice, I second the motion.

CHIEF JUSTICE TERRELL: You have heard the motion before the Court.

SENATOR DAVIS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Davis.

SENATOR DAVIS: I think it is the idea of the Senate to go ahead and proceed with the trial instead of all this bickering going back and forth.

CHIEF JUSTICE TERRELL: I suggest that counsel for the Managers keep their witnesses down in Room 31, as designated except when they are advising with them.

MR. BEASLEY: They are in there, Mr. Chief Justice.

CHIEF JUSTICE TERRELL: And that counsel for the Respondent follow the same rule, and that the Sergeant-At-Arms govern himself accordingly.

MR. JOHNSON: Call Mr. Enos.

Thereupon,

RAYMOND J. ENOS,

a witness called and duly sworn in behalf of the House Managers, was examined and testified, in rebuttal, as follows:

#### DIRECT EXAMINATION

BY MR. JOHNSON:

Q Will you state your name, please?

A Raymond J. Enos.

Q Where do you live, Mr. Enos?

A 188 Miner Street, Dorchester, Mass.

Q Where is Dorchester, Massachusetts?

A It's a section of the city of Boston.

Q How long have you been living in Massachusetts?

A I've been there since May 20th.

Q Of this year?

A Yes sir.

Q In December of 1955 were you living in Miami, Florida?

A Yes sir, I was.

Q Did you have occasion to be at the Ray Dodge party on the evening of December 20, 1955, the same night that Judge Holt had his accident?

A Yes sir.

Q In what capacity were you at the party?

A I was employed there as a parking attendant, taking care of the cars of the guests as they came in.

Q Who contracted that party, Mr. Enos?

A Mr. John Buntin.

Q Did you have occasion to see Judge Holt during the course of the evening?

A I saw the Judge briefly on two occasions.

Q Will you please relate to the Senate, in your own words, just what you saw?



A I saw the Judge stumble down the front steps. I don't recall how many steps, but I mean he just stumbled. I was in the process of going in and out of the driveway and I wasn't stationed in any particular spot, - -

Q Approximately what time was that, Mr. Enos, the best you can recall?

A I don't recall exactly. It was - - oh, I would say it was somewhere between eight-fifteen and nine o'clock. It was early in the evening.

Q At the time that you saw the Judge stumble down the front steps how close did you get to him?

A Oh, I was perhaps ten yards away.

Q Did you walk toward him or away from him?

A I was, at the moment - - I believe I was going out the driveway.

Q What was the closest you came to him at that time?

A Well, after that, shortly after that, I came back and I said either "Good evening, Judge" or "Can I get your car" - - one or the other.

Q What did he respond?

A He mumbled incoherently and I just walked away.

Q At that time were you able to form an opinion as to his sobriety?

A Yes sir.

Q What was his condition as to sobriety?

A I would say he was drunk, sir.

MR. JOHNSON: That is all. You may inquire.

CROSS EXAMINATION

BY MR. PIERCE:

Q What did you say your name was?

A Enos.

Q Your last name?

A E-n-o-s, Enos.

Q Where did you say you lived?

A In Dorchester, Massachusetts, 181 Miner Street.

Q Say that again?

A 181 - -

Q No, the town.

A Dorchester, D-o-r-c-h-e-s-t-e-r.

Q Is that your original home?

A No sir, it's my in-laws' residence.

Q Is that where you're living now?

A Yes sir.

Q Where did you come from to Tallahassee today?

A Today, sir?

Q Well, on this visit?

A I came from Boston.

Q With whom?

A By myself.

Q By yourself?

A Yes sir.

Q At whose request?

A At the request of Mr. Roper.

Q How long have you known Mr. Roper?

A I never heard of Mr. Roper until the time he talked to me.

Q Did he call you on the phone or wire you, or what?

A No sir. He didn't actually make the initial contact with me. It was Mr. Felides, who is employed by - -

Q Mr. who?

A Felides. F-e-l-i-d-e-s, I believe is the spelling, who was employed by the Victor Agency, located in Lawrence, Massachusetts, about three miles outside of Boston.

Q What is the Victor Agency?

A I believe it is an investigating outfit.

Q Is that a "private eye" outfit?

A Yes sir, I believe you would term it that.

Q The Victor Agency?

A Yes sir.

Q Now, do you know who contacted the Victor Agency?

A Mr. Roper, I assume, because any conversation I had it was with Mr. Roper.

Q When were you contacted by the Victor Agency?

A A week ago Sunday at approximately ten o'clock.

Q Nine days ago?

A Yes sir.

Q On that Sunday where were you?

A I was in my home.

Q Prior to that time with whom had you had any conversation concerning anything that happened at that Dodge party?

A Yes sir, I did.

Q I say with whom?

A With the fellows who worked the party that night?

Q Who was that?

A Mr. John Bunten and Mr. Ray Hibbs.

Q When had you talked with Mr. Bunten? Is that the way you spell it - - B-u-t-t-o-n?

A No, Bunten.

Q B-o - -

A B-u-n-t-e-n.

Q Oh, Bunten?

A Yes sir.

Q When had you talked to Mr. Bunten about it - - or did he talk to you?

A The day following. Oh, I talked to him several times, but we had this incident the day following the party.

Q The last time you talked to Mr. Bunten about it was when, prior to coming down from Massachusetts?

A That, I believe, was the only time we discussed it, because I wasn't employed with Mr. Bunten since then.

Q Then the only time you have ever discussd it with Mr. Bunten was the day after the party?

A Previous to coming here, yes sir.

Q Previous to coming here?

A Yes sir.

Q Then you did not testify before any of the various committees prior to this trial, did you?

A No sir.

Q In other words, this is the first time you have given any testimony concerning anything that happened at the so-called Dodge party?

A Yes sir.

Q Is that correct?

A That's correct.

Q Now, when you were contacted by this private investigation outfit - - you say they were in Lawrence, Massachusetts?

A Yes sir.

Q The Victor Agency?

A Yes sir. I don't know the technical name. It's Victor Agency, detective agency.

Q Do you know anybody in that agency?

A No sir.

Q Sir?

A No sir, I do not know anyone.

Q Who called you? Mr. Victor?

A I told you Mr. Felides called me. He made the initial contact, and I had never heard of the gentleman before.

Q You had never heard of Mr. Felides?

A No sir.

Q He just identified himself to you over the telephone?

A No, he called - - do you want the conversation?

Q Yes, the substance of it.

A Well, he called and he asked my name. He asked me if I ever worked in Miami Beach or had I ever worked in Miami Beach, and I told him, "Yes," and he asked me if I was working the Dodge party that night and if I recalled anything about it. I told him, "Not too much about it." I told him I recalled some of the things about it, and that was all.

Q And you had never before seen or had any contact with Mr. Felides?

A No sir.

Q Or any conversation with him?

A No sir.

Q Now, did you see him before you left Massachusetts?

A I saw him the Sunday morning - - I saw him Sunday afternoon.

Q The same day?

A Yes sir.

Q And that was nine days ago?

A That's right. This was - - I didn't count the days on my fingers, but it's a week ago Sunday. It was in the morning, approximately - -

Q Ten day ago, because I believe today is Wednesday?

A Yes sir, that's right.

Q We started on Tuesday this week.

A Yes sir, that's right; but it was about a quarter to ten in the morning when the phone rang, and I told him at that time - - he wanted me to go to Miami, and that was the result of the conversation. I told him that I had just secured a position, that I was just employed there two weeks, and I didn't know as I could leave the job, that I would probably lose my job; and that I would have to discuss it with my wife.

Q What kind of a job was that?

A It was as a boxer at a manufacturing company in Quincy, Massachusetts.

Q Did you leave your job?

A Yes sir. He assured me that it was a legal matter and that the company would take no action, that they would understand the situation.

Q Did he also assure you that your compensation would be ample to repay you for the visit?

A No sir, he didn't.

Q When did you leave Massachusetts to come here?

A Monday. That was Sunday, and - -

Q Do you mean day before yesterday?

A No sir, a week ago - - nine days ago.

Q Where have you been since then?

A I've been at the Cherokee Hotel.

Q Have you ever been in this witness room up here in this Capitol Building?

A No sir, I haven't.

Q Have you ever come in here and been put under the Rule and sworn?

A No sir.

Q You have never been in there with the other witnesses in this case?

A No sir.

Q Until this morning?

A Until this morning.

Q You have been kept where? In the Cherokee Hotel?

A The Cherokee Hotel.

Q By yourself?

A Well, this weekend my wife came down and joined me.

Q Oh, your wife came down?

A Yes.

Q Now, all this time your two weeks' job up there in Massachusetts is just being held in abeyance for you, or what is your arrangement about that - - - your new job?

A I'm hopeful that it's still there when I go back. I mean so far this thing, to me, has just been a headache, because I was just about to get on my feet after three weeks of unemployment, and I don't know where I will end up.

Q You say you're hopeful. Upon what do you base your hopes?

A That they will hold the job until I get back.

Q And that you will be amply compensated?

A Excuse me, sir?

Q Pardon me.

A Excuse me. You said something?

Q That you will be amply compensated for it?

A By whom? The company I work for?

Q Anybody?

A I look for no compensation, sir.

Q You do not?

A Well, outside of the sustenance, which I understand is nine dollars a day. I don't know who would compensate me outside of that.

Q How did you get your ticket down here?

A It was called to the Airline. The Airline was called by

Mr. Roper, I believe, in Miami, and I went to the airport over there and they had the ticket there for me.

Q When did you first have your conversation with Mr. Roper, the first time in all the world?

A That Sunday.

Q What Sunday?

A That Sunday afternoon, ten days ago.

Q You mean he called you on the telephone?

A No sir. When I met Mr. Felides that afternoon he called Mr. Roper and Mr. Roper asked to speak to me, and he asked me the same questions that Mr. Felides had - - whether or not I had been at this party and whether I recalled anything about it.

Q Now, where was Mr. Roper?

A In Miami, I believe, or in Tallahassee. He was in Florida. I didn't make the phone connection. Mr. Felides did.

Q Mr. Felides was in Massachusetts?

A Yes sir.

Q And he called you?

A The first time, yes sir.

Q The first time?

A Yes sir.

Q Was that the time he talked to Mr. Roper?

A No sir. That was in the afternoon.

Q And Mr. Roper called you on the long distance telephone that afternoon?

A No, Mr. Roper did not call me. Mr. Felides called Mr. Roper and he then asked me to speak to Mr. Roper. He said, "Mr. Roper would like to speak to you."

Q Where were you when you talked to Mr. Roper?

A In a phone booth.

Q Then you had a three-way conversation?

A No sir. Mr. Felides stepped outside the phone booth.

Q Oh, I see. You were personally with Mr. Felides then?

A Yes sir.

Q In the phone booth?

A No sir. He was outside of the phone booth.

Q In or around the phone booth?

A Yes. He was outside.

Q Yes. Now, how old are you, Mr. Enos?

A Thirty-seven.

Q Sir?

A Thirty-seven - - I will be very soon.

Q What businesses have you been engaged in for the last several years?

A I've been employed on Miami Beach for five seasons.

Q Five what?

A I've been employed by private clubs on Miami Beach for five seasons.

Q Doing what?

A As the registrar in an apartment house.

Q Registrar?

A Yes sir.

Q What about the private investigation business?

A No sir.

Q You deny that you have been employed or engaged in any way in the Miami area in the past in private investigation work?

A Emphatically, yes sir.

Q You deny that?

A Emphatically, yes sir.

Q When did you first - - how long have you known this man Bunten?

A Well, he was employed at the Club when I first went there.

Q That's not my question, Mr. - -

A You asked me how long - -

Q I want to know how long you have known Mr. Bunten?

A About five years ago.

Q About five years ago?

A Yes, it must have been five years this coming season.

Q What was the nature of your first contact with him?

A He was the doorman at this club when I was employed there as a parking attendant, and we worked together on the door there.

Q Did you thereafter work with Mr. Bunten?

A Outside of these private parties, no.

Q Well, did you work with him on these private parties?

A Yes sir, I worked on private parties with him.

Q Those private parties - - did they continue pretty successively during the winter season, especially down there. They do, don't they?

A Yes sir.

Q Practically the entire winter season?

A Well, off and on. Now most of the people that had these parties, they have them in clubs on the Beach. Very few of them have them in their homes now.

Q Had you ever been to the Dodge home before, the Dodge estate, prior to December 20, 1955, in the evening?

A I don't believe I was there.

Q That was the first time you were ever there?

A Yes sir, I believe so.

Q And you were working for Mr. Bunten?

A Correct.

Q Mr. Bunten paid you?

A Correct.

Q Do you know how Mr. Bunten got paid?

A Through Mrs. Dodge.

Q Were you there when he was paid?

A No sir, I wasn't. I just assume. He contracted with her.

Q How many of you people worked for Bunten, or with him?

A That particular night?

Q Yes.

A I don't recall exactly, but I know there were three of us that I recall, and I think there may have been another fellow there, but I don't know who he was definitely, if there was; but I'm quite sure there was another fellow there.

Q Had you ever known Judge Hunt before?

A Judge Hunt, sir?

Q Pardon me - - Judge Prunty?

A Judge Prunty?

Q Yes.

A I knew Judge Prunty from coming in and out of the Clubs.

Q Had you ever known Judge Holt?

A The same circumstances.

Q Just casually?

A Just casually.

Q Now, had you seen him prior to the time you said something about stumbling?

A Had I seen the judge that particular evening, prior?

Q Yes sir?

A No sir, I hadn't.

Q You didn't even know he was at the party?

A No sir.

Q About how many people were at that party, if you can estimate?

A I would say it was in the two-hundreds.

Q Would you say that five hundred would be closer to it, coming and going?

A I don't think there were that many, sir, because I think we would have had more fellows there handling the cars.

Q How many tents were there set up next to the waterfront?

A I don't know, sir. I didn't see much of that end of it - - just for a second or two.

Q You were there where the cars were. Is that it?

A Yes sir, in the driveway.

Q How did you happen to be anywhere near the front steps?

A That's where we worked, sir, right there.

Q That's not where the cars are, is it?

A Yes sir, right there in the middle of the driveway.

Q They don't have a separate areaway for cars to park there?

A They have a circular driveway in front of the house there, I believe. Do you mean as far as parking goes?

Q Yes?

A No, we parked on the street there. That was near the Bay and I don't believe there were any vacant lots there on that particular night.

Q About how many times would you estimate that you had even seen Judge Holt prior to that night?

A Well, sir, that's a rather difficult question to answer - - an average of twice a week, anyway, I would say.

Q For how long?

A Over a period of a season and a half, I would say.

Q Had you ever spoken to him in your life?

A Just to pass the time of day. That's all.

Q Had you ever asked him what time it was? You say you passed the time of day.

A I might have asked him what time it was.

Q You asked Judge Holt what time it was?

A It's very, very possible, yes.

Q Have you ever been in his Court?

A No sir.

Q Now, who was with Judge Holt at that time?

A I didn't see anyone with Judge Holt at that time, sir.

Q Did you see Judge Holt get in his car?

A No, I didn't, sir.

Q Did you hear him order his car?

A No, I didn't.

Q Did you see this colored chauffeur that drove his car?

A No, I don't recall seeing him there. He may have been around there and I may have seen him, but I don't recall.

Q Did you see Judge Holt when he first came into the party?

A No sir.

Q You did not?

A No sir.

Q Do you know how long he had been there, at all?

A No sir, I don't.

Q And you had not seen him prior to that time on that particular occasion?

A No sir. The only two times I had seen him were on those two occasions that I have mentioned.

Q The two occasions, now, I believe, were - -

A One, when I saw him on the steps there - -

Q And what was the other occasion?

A And the other one was when I exchanged a slight greeting with him or asked did he want his car. I forget the text of the greeting.

Q Wasn't that the same time?

A No sir. That was a space of minutes in between there.

Q A space of minutes?

A Yes sir.

Q So when he so-called stumbled, as you say, was he coming out?

A He was coming into the driveway, I would say.

Q Coming out of the building?

A Yes sir.

Q And you say it was some minutes after that before you asked if he wanted his car?

A I don't recall exactly. I was running back and forth. I wasn't stationed in any particular spot, because we were trying to line the cars up in numerical order, trying to get the guests in and out.

Q In other words, you mean that you were very busy at that particular time?

A That's correct.

Q Weren't you?

A That's right.

Q That was the main portion of your duties, wasn't it - - getting the cars there so the guests could get away?

A Yes sir.

Q Even more so than the arrival of the guests?

A Well, the guests - - there were still a few coming in at that time.

Q Because guests usually leave more at the same time than they arrive at the same time, don't they?

A They usually leave at the same time, that's right.

Q And you don't remember seeing anybody with or near Judge Holt at the time you saw him on the steps?

A No sir, I did not.

Q Especially you don't remember Judge Prunty being with him, do you?

A No sir, I don't.

Q And you did know Judge Prunty?

A Well, yes, I knew him when I saw him.

Q Now, did you know Judge Hunt's son?

A I knew Judge Holt's son.

Q I beg your pardon.

A I knew Judge Holt's son, yes sir, by sight.

Q You did know Judge Holt's son?

A Yes sir.

Q Did you see him at the party that night?

A I don't recall seeing him.

Q You do not recall?

A No sir.

Q You certainly don't remember seeing him at the time when you saw Judge Holt on the steps?

A No sir.

Q Or at the time you asked Judge Holt if he wanted his car?

A No sir.

Q Now, where was Judge Holt when you asked him if he wanted you to get his car?

A He was standing in the driveway a little way from the steps.

Q By himself?

A Yes sir.

Q Then he had not fallen down, had he?

A Well, as I say, all I can remember is when he was stumbling down the steps. I didn't stay to see what happened. I mean I was just running, perhaps, up the driveway at the time.

Q That was in the nighttime, wasn't it?

A Yes sir.

Q How many steps were there?

A There are only two at the most. I think it's a low affair just before you step on the ground.

Q People stumble and fall more on two steps than they do on two dozen, don't they?

A I suppose, sometimes.

Q Do you know Mrs. Holt? Have you ever seen her at these parties?

A I have seen her in the evenings many times, sir.

Q Did you see her there that night?

A No, I didn't, sir.

Q One last question, Mr. Enos: The last time, I believe you said, and the only time, that you had discussed this matter with anybody was the day following, I believe, you said - -

A Discussed it with anybody, sir?

Q Anybody.

A You didn't ask me that, sir. You asked me if I had discussed it with Bunten.

Q I will ask you that now.

A Oh.

Q Have you discussed it with anybody, and with whom, prior to coming down from Massachusetts on this trip?

A At the time of the incident we discussed it rather freely, yes.

Q With whom?

A With the fellows that were there at the party.

Q Who?

A John Bunten, perhaps. I don't know whether we spoke to him when he was there or not. We were working the following day. I don't recall any individual. I do recall Ray Hibbs, who had worked there that night. I saw him the following day.

Q The only names that you can mention are Mr. Bunten and Mr. Hibbs?

A Those are the only two that I recall being there that night. I don't remember who worked there.

Q Now, I believe you said you had a conversation with Mr. Roper over the telephone on the afternoon of Sunday, a week ago?

A Yes sir.

Q And that this man Felides, from the Victor Agency, was with you or near you?

A Well, he could not hear the conversation, sir.

Q I didn't ask you that.

A No. Well, he wasn't near enough to hear the conversation.

Q He put through the call, didn't he?

A He did put through the call.

Q And he put you in touch with Mr. Roper?

A Correct.

Q Is that the first time that you had ever talked to Mr. Roper?

A Right.

Q Who arranged for your transportation down here?

A I don't know. I guess it was Mr. Roper, because - -

Q Well, who paid you?

A Who paid me for the transportation?

Q Yes?

A No one paid me for the transportation. Someone paid Eastern Airlines for the transportation.

Q You got a ticket?

A And I picked the ticket up at the airline terminal.

Q I believe you said your wife joined you this past week-end?

A That's right.

Q Or some time lately?

A That's correct.

Q Now, did anyone likewise arrange for her transportation?

A No sir.

Q I understood you to say you had been unemployed for some time?

A That's right.

Q You hadn't been to work but two weeks?

A At the time of my marriage, sir, we didn't go on a honeymoon, or anything, and after being a week in this town I was getting a little bored and a little lonely, to be truthful, for my family, and I called her and told her that I would be here, they wouldn't return until - - they wouldn't reconvene until Tuesday, and that I would be here definitely until Tuesday, and I told her to ask her mother if she would let her - - if she would mind the child while she came up here with me.

Q Did anyone stay in the room over at the Cherokee with you last week, before your wife came down?

A No sir.

Q You were not housed with any - -

A No sir.

Q Any other person?

A No sir.

Q Any other witness?

A No sir. I was in Room 436, by myself.

Q Now, did you talk to anyone about this matter, about the content of your testimony, during that time?

A No sir.

Q Nobody?

A No sir, - - that is, outside of the lawyers in the case, sir, as far as my testimony is concerned.

Q Oh! How often did the lawyers talk to you?

A The moment I arrived on the plane, sir - -

Q Who met you?

A Well, no one met me. I came to the Hotel Cherokee and I asked for Mr. Roper, to let him know that I was in town.

Q Was that per your instructions?

A Yes sir. I asked who to contact when I got here, because I had never been in Tallahassee previous to this.

SENATOR DAVIS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Davis.

SENATOR DAVIS: I would like to inquire of counsel if he has much more cross examination of this witness?

MR. PIERCE: I think we can dispense with further cross examination, Senator.

SENATOR DAVIS: Are you through now?

MR. PIERCE: Well, otherwise I might have asked a few more questions, but I don't think they would be of that much importance.

SENATOR DAVIS: I move you, Mr. Chief Justice, that the Senate stand in recess for about fifteen minutes.

CHIEF JUSTICE TERRELL: Without objection, that will be the order.

Whereupon, beginning at 10:42 a.m., the Senate stood in recess until 11:00 o'clock a.m.

CHIEF JUSTICE TERRELL: Order in Court.

The Chair declares a quorum present.

MR. JOHNSON: The next witness is Ray Hibbs.

(Thereupon Ray Hibbs, a witness called by counsel for the House Managers, was duly sworn by the Secretary of the Senate.)

CHIEF JUSTICE TERRELL: Mr. Secretary, ask the other witness to come back. I have a question here that one of the members of the Court wants put to him.

MR. BEASLEY: Mr. Chief Justice, this morning a member of the Court inquired about the pay that Mr. Roper was drawing, and other information about Mr. Roper.

I am prepared to give the Court that information at this time, if they want it. Mr. Roper was employed by the House Managers after we found that this was a tremendous task in the Miami area to locate people down there. We didn't know anything about it and there are a lot of people down there and you can't just walk into Miami like you can in DeFuniak Springs and walk up to somebody's house. You have to find them, so we employed this Mr. Roper.

Since he has been with us we have paid him - - we have agreed to pay him \$200 a week. Now, in Miami, as an investigator, he made fifty to seventy-five dollars a day. It is absolutely necessary for us to have a man of this type to assist us in preparing this case.

The Resolution passed by the House of Representatives authorized the Managers on the part of the House to incur - - I mean to employ the necessary clerical help and legal assistance to bring this case to the Senate.

SENATOR JOHNS: Mr. House Manager, does he get his per diem?

MR. BEASLEY: No sir. That covers everything. That includes his overtime and everything.

CHIEF JUSTICE TERRELL: I didn't think the Managers were through with the last witness, and I just asked for him to be brought back to answer a question here propounded by Senator Johns, one of the members of the Court.

SENATOR JOHNS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Johns.

SENATOR JOHNS: If the witness can't be found I withdraw the question.

(The witness, Raymond J. Enos, returned to the Senate Chamber).

CHIEF JUSTICE TERRELL: Mr. Enos, this question was sent up by Senator Johns, a member of the Court:

"Please tell us who bought the ticket for your wife to come down to Tallahassee?"

RAYMOND J. ENOS: My wife purchased her ticket herself, in Boston.

SENATOR STRATTON: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Stratton.

SENATOR STRATTON: I object to that. I don't think it is any of this Court's business as to how his wife came down here. That is his personal business.

RAYMOND J. ENOS: I would be glad to answer, sir.

SENATOR STRATTON: I don't believe you ought to answer.

CHIEF JUSTICE TERRELL: Senator Stratton objects to that question being answered.

SENATOR JOHNS: I withdraw it.

CHIEF JUSTICE TERRELL: The question is withdrawn, Mr. Enos, so you can retire.

Let's have order in Court.

(Witness Enos left the Chamber).

Thereupon, the said

RAY HIBBS,

called as a witness on behalf of the House Managers, and just previously duly sworn, was thereupon examined and testified, in rebuttal, as follows:

#### DIRECT EXAMINATION

BY MR. JOHNSON:

Q Will you state your name, please, sir?

A Ray Hibbs.

Q Where do you live, Mr. Hibbs?

A 288 Northeast 53rd Street, Miami, Florida.

Q Were you living in Miami on December 20, 1955, the night of the Ray Dodge party?

A Yes, I was.

Q Did you have occasion to be at that Dodge party?

A Yes, I was.

Q Why were you there, sir?

A I was parking cars for the party.

Q Who contracted that job? Do you know?

A Mr. John Bunten.

Q Did you have occasion to see Judge Holt on that evening, Mr. Hibbs?

A Yes, I did.

Q Explain to the Senate just what you saw.

A My seeing Judge Holt was from the car which was coming in the driveway of the party.

Q What were you doing in that car?

A I was running it up so another guest could leave the party.

Q Now, what did you see?

A I saw Judge Holt being assisted to his car, which was in front of mine, a few feet from the entrance to the house.

Q How was he being assisted?

A By two men, one under each arm.

Q Did you see John Bunten near there at that time?

A Yes sir.

Q Where was he?

A John Bunten was in front of Judge Holt and the two gentlemen, to open the door of his car before they got there.

Q What kind of car was that?

A It was a Station Wagon.

Q After Judge Holt was placed in the car were you able to recognize either of the men who were assisting Judge Holt to the car?

A I recognized one of the men.

Q What is his name?

A Mr. Prunty.

Q Is that the same Mr. Prunty who is now Judge Prunty?

A That is correct.

Q The same man?

A Yes sir.

MR. JOHNSON: That is all. You may inquire.

# CROSS EXAMINATION

BY MR. HUNT:

Q Mr. Hibbs, where are you from?

A Originally, or - -

Q Yes.

A Pennsylvania.

Q When did you come to Florida?

A My first time in Florida was in 1947.

Q When was your second time?

A Well, I had been coming down here in the wintertime until I was called in Service.

Q Where did you work in the summertime?

A At the present time?

Q Well, each summer. Different places or the same place?

A Up north I work at the Summit Hotel, at Uniontown, Pennsylvania.

Q How long have you been employed there?

A Just in the summers. It's three seasons.

Q What do you do at the hotel?

A I was in charge of the pool, the swimming pool.

Q What?

A I was in charge of the swimming pool.

Q What size pool is it?

A About fifty-five by a hundred and five.

Q And then in the wintertime you come to Miami Beach and follow what line of employment?

A I have been employed at the Surf Club.

Q What do you do there?

A I have had several jobs there.

Q Name them.

A Well, prior to my entering Service I was employed as what they call a page boy.

Q How long were you a page boy there? One summer or more?

A Just in the season, the winter season.

Q One winter season?

A Two winter seasons.

Q All right; then the next time after your Service that you went to Miami Beach what did you do?

A I started at the Surf Club with the maintenance department, then I was transferred to the lifeguard department, the swimming department.

Q You started with the maintenance and transferred to the swimming?

A Yes sir.

Q How long were you employed there?

A I've been employed there since 1952.

Q Until when?

A Well, I'm still employed there during the winter.

Q How many months during the winter are you employed there?

A From October until, possibly May.

Q Now, you have been employed there from October until May the last two or three years, have you?

A Yes, since 1952, with the exception of the summer of - - well, one summer they wrote me, the summer before this, that they opened up all the year round.

Q What are your hours there?

A Eight-thirty to four-thirty.

Q How long have you known Mr. Bunten?

A Beg pardon, sir?

Q How long have you known Mr. Bunten?

A Since 1952.

Q Where did you meet him?

A In Miami.

Q Well, in what way do you know him? Personally, or do you work for him or with him, or what?

A Mr. Bunten was the doorman at the Surf Club at the time I first met him.

Q Well, for what period of time have you worked with him, if you have?

A Well, just off and on at a few parties now and then. That's all, with the exception of at the Surf Club.

Q With the exception of the Surf Club, how many parties have you worked with Mr. Bunten on?

A I couldn't pinpoint it as to the number - - possibly a dozen.

Q In what capacity did you work with him?

A As a car-parking attendant.

Q How well have you known Mr. Bunten? Have you known him socially? Had you been out with him on any social occasions?

A No, I don't think so.

Q Do you know him well?

A I know him well, yes.

Q Do you consider him a truthful man?

A I do, sir.

Q Who first talked to you about coming here to Tallahassee on this matter?

A Mr. Roper.

Q Where did Mr. Roper get your name?

A I don't know, sir.

Q Will you refresh your recollection? Didn't Mr. Bunten first contact you about it?

A No sir.

Q He did not?

A No sir.

Q Did not Mr. Bunten first advise you that he had given Mr. Roper Mr. Enos' name, but since he had gone to Boston that Roper had requested another name, and that he put your name in the pot, so to speak?

A No.

Q You first heard from Mr. Roper, first?

A I did.

Q How did Mr. Roper know that you worked with Mr. Bunten that evening?

A I don't know, sir.

Q Where did Mr. Roper find you?

A At the hotel where I am employed now.

Q Where is that?

A The Seabrook Hotel, Miami Beach.

Q In what capacity are you employed at the Seabrook?

A As a bellman.

Q A bellman?

A Yes sir.

Q When was this that Mr. Roper contacted you at the Seabrook Hotel?

A Saturday a week ago.

Q Didn't he tell you that he had talked to Mr. Bunten?

A No.

Q And had gotten your name from him?

A No sir.

Q What did he tell you?

A Well, as far as I can remember, he said that he had - - that he was investigating the case and that he had several witnesses. He didn't say at that particular time who he had.

Q Did he state that he knew that you were a witness?

A I wasn't a witness at that time. I mean I wasn't - -

Q Well, state to the Court what Mr. Roper said to you on that occasion?

A He just asked me if I had attended the Dodge party in December of 1955, and in what capacity, and would I be willing to come to Tallahassee and testify.

Q And what?

A Would I be willing to come to Tallahassee if I were subpoenaed, and so on.

Q Did he tell you what had happened at the Dodge party?

A You mean did Mr. Roper tell me?

Q Yes?

A No.

Q Did you tell him the same thing that you have testified to here?

A Yes sir.

Q Do you know Mr. Enos?

A Yes sir.

Q Was he at the Dodge party that night?

A Yes, he was.

Q He was in as good position to see, I suppose, as you and John Bunten, was he?

A That's correct.

Q He is a truthful man?

A As far as I know he is, yes sir.

Q Who was the closest to Judge Holt as he came out, you or Bunten or Enos?

A Mr. Bunten was closest.

Q Pardon?

A Mr. John Bunten was the closest.

Q Do you know where Mr. Enos was?

A As far as I know, Mr. Enos had just brought up an automobile before the Judge Holt car came up, and he was more or less walking around in order to get another ticket and to bring up a car afterwards.

Q How would you know that?

A Well, I imagine he wasn't doing anything in particular.

Q You are not asked to imagine here, Mr. Witness. I want to know how you know so well where Mr. Enos was, in the process of bringing and taking automobiles away from there at the precise moment that Judge Holt came out?

A He probably went over to the door to pick up a ticket.

Q What's that?

A He went over to the door to pick up another ticket.

Q Weren't you bringing up the car?

A I was in a car, yes.

Q Driving?

A Yes sir.

Q And you recall Mr. Enos going up to the door to pick up a ticket?

A Well, back and forth across there.



Q How many boys were there back and forth parking, parking cars?

A Well, there was us two, and a couple of others there. I don't recall who they were at this time.

Q You don't recall their names?

A I don't know their names.

Q Where were they when Judge Holt came out?

A I don't know, sir.

Q You just know where you were, where Enos was and where Bunten was?

A That's the only three that I saw then, yes sir.

Q Now, where have you been since you arrived in Tallahassee?

A Where've I been?

Q Yes sir.

A Staying at the Cherokee Hotel.

Q How long have you been in Tallahassee?

A Last Tuesday.

Q Tuesday a week ago?

A In the evening.

Q Pardon?

A Last Tuesday evening I arrived.

Q Pardon?

A Last Tuesday evening.

Q Yesterday?

A No sir, a week ago.

Q Have you been here ever since?

A With the exception of the weekend.

Q What did you do over the weekend?

A I went to Miami.

Q Who paid your way?

A Well, they advanced our witness fees. I don't know.

Q Was transportation furnished you and the other boys to return to Miami over the weekend?

A Beg pardon, sir?

Q Was the transportation furnished to you and the other boys to return to Miami over the weekend?

A Not personal transportation, no.

Q What's that?

A Not personal transportation, no.

Q Now, you know what that question means, Mr. Witness. Was your fare paid to go to Miami and return here?

A Well, as I say, I just received a - - something for - - as - -

Q Will you answer the question directly?

MR. JOHNSON: Please let him answer the question. He is trying to answer the question, if you will let him.

A I just received a check that was an advance toward my witness fee, and I used that.

Q How much was the check?

A A hundred dollars.

Q That was an advance toward your witness fee?

A That's what it had on it, yes sir.

Q And you bought a round-trip ticket out of that?

A Yes sir.

Q Do you know how much witness fee you are earning each day?

A That's what I was told, that's all.

Q Well, what were you told?

A I was told eleven dollars a day.

Q Eleven dollars a day?

A Yes sir.

Q How many days had you been here when you went to Miami?

A Tuesday night, Wednesday night, Thursday night and Friday night.

Q You had been here four days?

A Well, three nights.

Q Three days?

A Three days, yes.

Q You had been here for three days?

A Yes sir.

Q And you had earned three times eleven or \$33. Right?

A I guess so.

Q Is that correct, at \$11 a day?

A At \$11 a day, yes.

Q And you were given an advance hundred-dollar check to return to Miami, with instructions to be back in Tallahassee when?

A Yesterday afternoon by two o'clock.

Q Now, who else went with you? Did Bunten go back to Miami over the weekend?

A Yes sir.

Q You went together and you returned together, didn't you?

A That is correct.

Q Did Enos go?

A No sir.

Q Who else went? Did Roper go?

A I don't know, sir. I didn't see him.

Q Who else went with you?

A On the plane the only other one I knew was Mr. Musselman.

Q Did Mr. Musselman go to Miami?

A Yes sir.

Q Mr. Bunten hasn't been here continuously, then, for the last ten days, has he?

A Not continuously, no.

Q Now, what arrangements were made with you by Mr. Roper, financially, to come up here to Tallahassee and spend this time in the hotel room?

A Mr. Roper? I don't know of any arrangements that were made.

Q What's that?

A No arrangements were made through Mr. Roper, that I know of.

Q Do I understand your testimony to be that Mr. Roper left at your place two tickets, for you and Mr. Bunten to come up here?

A No sir.

Q What is the situation, then?

A Mr. Daugherty, from Miami, called me on the phone and said that he had a subpoena for us - - this was last Tuesday morning - - to appear in Tallahassee, and he had - -

Q Was your name in the subpoena?

A Yes sir.

Q Do you know how it got in?

A No sir.

Q Do you know whether the subpoena was sent down blank, to be filled out in Miami, whether it was sent down with your name in it?

A I don't know, sir.

MR. JOHNSON: Mr. Chief Justice, we object to that question and answer. We think the record itself will be the best evidence as to whether any subpoena was sent down in blank. We also object to any inference by counsel that we have indulged in such practice, and we call upon him to inquire of the Secretary of the Senate as to the truthfulness of whether these subpoenas were sent in blank.

MR. HUNT: May I proceed, Your Honor?

CHIEF JUSTICE TERRELL: Proceed.

BY MR. HUNT:

Q I want you to state what arrangements were made for your compensation to come to Tallahassee, whether by Mr. Roper or anyone else?

A As I said before, I had a telephone call on Tuesday morning from Mr. Daugherty that he had a subpoena and money for us to come to Tallahassee. He said he had a check for us to come to Tallahassee, and I told him I thought it would be hard to have a check cashed at the airlines and would he please bring cash, for the expenses.

Q For the what?

A Would he please have the cash and bring the cash for the plane ticket.

Q Go ahead.

A Which he did. About forty-five minutes to an hour later he brought it to my house.

Q What did he bring to your house?

A He brought me a subpoena for myself, and the money.

Q Did he also bring one for Mr. Bunten?

A Yes, he did.

Q Well, why didn't you mention that when I asked you what he brought to your house?

A Well, he brought a subpoena for both of us and both of our money.

Q How much money?

A There was \$110.

Q \$110?

A Yes sir.

Q What did your tickets cost? Just about that, a round trip?

A Fifty something.

Q It's \$54.85, I believe.

A Something like that, yes sir, round trip.

Q Was that \$110 all together or \$110 each?

A It was \$110 for both of us, \$55 each.

Q Now then, after your arrival in Tallahassee were you

paid any additional consideration of any kind, for any purpose?

A We received one check, \$25 as an advance toward witness fees, and that's all.

Q Each of you?

A Yes.

Q Whose check was that?

A You mean who signed it?

Q Yes?

A Mr. Musselman.

Q Who instructed you to remain on call at the Cherokee Hotel?

A We were instructed to be within phoning distance or where we could be reached.

Q Did anyone advise you that there was an official Witness Room here for witnesses, under the supervision of the Sergeant-at-Arms of this Senate?

A Yes, they said there was, but we didn't have to stay in that room all the time.

Q You didn't stay in that room or any other room down here at all did you - - you stayed at the Cherokee. Is that correct?

A That's where we were.

Q Who instructed you to stay at the Cherokee?

A I don't know who made the arrangements, but that's where they brought us from the airport.

Q Who is "they"? Who met you at the airport?

A Mr. Johnson and Mr. Musselman.

Q Mr. Johnson and Mr. Musselman took you to the Cherokee?

A That's correct.

Q You received no instructions to report here to the Sergeant-at-Arms, here at the Senate?

A No sir.

Q You were instructed to remain in the Cherokee until they called you?

A Or if we went out of the hotel, to call them and notify them where we were.

Q Did you receive any further money than the \$25 after your arrival in Tallahassee?

A And I said the \$100 we got last week, last Friday, as an advance toward witness fees, which we used to go home and back.

Q What did you use to pay your hotel bill with at the Cherokee?

A I haven't paid it yet.

Q How did you check out over the weekend without paying it?

A Mr. Musselman said it was all being taken care of, and I didn't see the bill, so we haven't received the bill yet.

Q What time did you see Judge Holt leave the Dodge party?

A It was early in the evening; I would say between eight and nine o'clock, as near as I can recall.

Q Eight to nine - - that's a span of an hour. Could you make it any more definite than that?

A No sir. I know it was early. I don't look at my watch when I'm working parties.

Q I'm sure you don't, but about what time was it when you saw Judge Holt come out?

A Between eight and nine o'clock.

Q That's as close as you can fix it?

A Yes sir.

Q What time had the party started?

A It was early, possibly five-thirty; five-thirty to six o'clock.

Q How long did it last, if you know?

A Ten-thirty or eleven o'clock, I think, was the latest.

Q Do you know United States District Judge Emmett Choate?

A Yes sir.

Q Did you see him come out right before Judge Holt came out?

A I don't remember seeing Judge Choate at the party.

Q Will you stop and try to refresh your recollection? You have often seen Judge and Mrs. Choate at the Surf Club, haven't you?

A That's correct.

Q You have seen them a lot more often than you have seen Judge Holt, haven't you?

A That's true.

Q They are members of the Surf Club, aren't they?

A I don't know.

Q You don't?

A I don't know whether they're members or not, no; or, if they are, what type members they are.

Q You didn't see Judge Choate that night?

A It's my recollection I did not see Judge Choate.

Q Who else did you see, besides Judge Holt?

A Judge Prunty was with him, and the other gentleman which I didn't know.

Q They were the ones who were supporting him?

A That's correct.

Q Now, who else did you see other than those three?

A I saw Mr. Herlofson.

Q What time was he there?

A He was there at the time that they were bringing Mr. - - at the time Judge Holt was coming out.

Q Was he just leaving the party, himself?

A I don't think he was leaving. I think he just walked out and walked back in the party. I didn't see him leaving at that time.

Q Did you see him walk out the front door and observe the situation and walk back?

A The front door of the house?

Q Yes sir.

A Yes. I just saw him in the corridor. There's a long corridor between the front door and the house, and the steps down from the end of the porch or to the driveway. I saw him in there.

Q Well, what was he doing when you saw him?

A Just walking.

Q Walking which way?

A I don't remember.

Q You remember which way everybody else was walking. Which way was Mr. Herlofson headed?

A I said I don't recall which way he was going.

Q Have you seen him since you got to Tallahassee?

A Yes sir.

Q Where did you see him?

A On the street one evening.

Q On the street one evening?

A Yes sir.

Q Who was with him?

A No one.

Q Has he been down to the Cherokee?

A Yes sir.

Q This has been discussed all together, hasn't it?

A Not before we - -

Q Not any time - - this has been discussed.

MR. JOHNSON: Let him finish, please, Judge Hunt.

A I didn't see Mr. Herlofson until we had made statements to Mr. Johnson and Mr. Musselman.

Q And then Mr. Herlofson came down and you all talked it over, didn't you?

A He came down to our room, yes, one evening, and then we asked him for dinner with us and he declined the offer and left.

Q Who told you what Mr. Herlofson had testified before this Senate?

A No one.

Q Oh, you didn't know that he had testified that he saw Judge Holt being brought out?

A Well, what we heard in the papers, was all.

Q Well, it wasn't mentioned when he came down and you all had this conversation at the hotel?

A Oh, yes, but I say that was after we had made statements to Mr. Johnson.

Q I didn't ask you in point of time or after or before, or anything. I just wanted to know if Mr. Herlofson had been down to the hotel, talking with you and Bunten about this matter. He has, hasn't he?

A Yes sir.

Q So, to the best of your recollection, with respect to Mr. Herlofson, it is that as Judge Holt was brought out Mr. Herlofson came out on the patio porch, saw what was going on, and went back. Is that correct?

A That's correct.

MR. HUNT: That's all.

# RE-DIRECT EXAMINATION

BY MR. JOHNSON:

Q Mr. Hibbs, did you tell Mr. Musselman and I the same thing that you have told the Senate here?

A Yes sir.

MR. JOHNSON: That is all. Come down.

Return to the Witness Room.

Call Mrs. Ainsley.

MR. HOPKINS: Is there any objection to releasing this witness who just left the stand?

MR. HUNT: Yes sir. I would like to retain the witness.

SENATOR BRACKIN: Your Honor.

CHIEF JUSTICE TERRELL: Senator Brackin.

SENATOR BRACKIN: I would like to inquire, wasn't this Mr. Herlofson in contempt of Court when he went down and discussed this case with those witnesses, since he was under oath?

MR. PIERCE: And under the Rule.

CHIEF JUSTICE TERRELL: That is a question for the Court. Senator Brackin wants to know if Mr. Herlofson was not in contempt of Court when he went down and discussed the case, the question, with the witnesses at the hotel. Is that it?

SENATOR BRACKIN: Yes sir.

MR. BEASLEY: Mr. Chief Justice, if Mr. Herlofson is in contempt for discussing the case with the witnesses, Judge Prunty would also be in contempt if he had discussed the case with some witnesses, too, would he not?

CHIEF JUSTICE TERRELL: I don't think it would have been proper for Judge Prunty or anyone else to discuss the merits of the case with the witnesses.

MR. HUNT: Your Honor please, I think the definite answer to that question is that Judge Prunty was released from subpoena for a long period of time. Mr. Herlofson has never been released.

MR. HOPKINS: If the Court please, it is my impression that he is under subpoena at this time. We can check the record with the Secretary.

MR. HUNT: As of yesterday.

MR. SUMMERS: Mr. Chief Justice, in reference to Judge Prunty, he was called up here by the Prosecution. They didn't see fit to put him on the stand; they sent him back to Miami; we called him and he came and was served by the Sergeant-at-Arms in the Witness Room, and the President of this body is aware of that, because he wrote him some checks based on his services here in Tallahassee.

SENATOR EATON: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Eaton.

SENATOR EATON: I move you, sir, that we reserve any further consideration of these matters until we proceed with this proceeding.

(The motion was seconded from the floor).

CHIEF JUSTICE TERRELL: Without objection, that will be the order.

MR. HOPKINS: Can we have Mrs. Ainsley please?

Thereupon,

MARTHA AINSLEY,

a witness called and duly sworn in behalf of the House Managers, was examined and testified in rebuttal as follows:

#### DIRECT EXAMINATION

BY MR. HOPKINS:

Q Will you give us your name, please?

A Martha Ainsley.

Q Mrs. Ainsley, where do you live?

A 420 Southwest 78th Avenue.

Q Is that in Miami, Florida?

A Yes sir.

Q By whom are you employed?

A The Jackson Memorial Hospital.

Q And in what capacity are you employed at Jackson Memorial Hospital?

A Charge nurse from eleven to seven in the Emergency Room.

Q How long have you held that position?

A About five years.

Q Were you at the hospital on the night of December 20, 1955, being the date that Judge Holt had an accident and came into the hospital as a patient?

A Yes, I was.

Q Will you tell the Court what your duties were on that occasion and what you did in regard to this patient?

A Well, I went to the X-ray room and took him up to his room.

Q Did you see Judge Holt on that occasion?

A Yes, I did.

Q Did you know him at that time?

A No sir.

Q Had you ever seen him before, that you know of?

A No sir.

Q After he was brought into the Emergency Room was he later X-rayed?

A Yes, he was.

Q Now, did you have anything to do with handling him when he first came into the Emergency Room?

A I went to X-ray with him.

Q You went to X-ray with him?

A Yes.

Q Will you explain what you did in X-ray?

A I held him up while the picture was being taken.

Q You were the one that held him up while he was being X-rayed?

A Yes sir.

Q State whether or not you smelled alcoholic beverages on his breath on that occasion?

A Yes, I did.

Q You have had considerable experience in emergency regarding people who are under the influence of alcohol, have you not?

A Well, I see quite a few.

Q And you smelled alcoholic beverages on his breath at that time. Is that correct?

A Yes, I did.

MR. HOPKINS: You may inquire.

#### CROSS EXAMINATION

BY MR. HUNT:

Q Mrs. Ainsley, who first contacted you about this matter some weeks ago?

A This gentleman that was talking to me.

Q Ma'am?

MR. HOPKINS: Hopkins is my name.

A Mr. Hopkins is the first one that talked to me about it.

Q Were you among those who were invited down to the Court House to talk to Mr. Hopkins?

A Yes sir.

Q What doctor was in charge of the Emergency that night? Do you know?

A Doctor Zundell, I imagine.

Q Doctor Warren Zundell?

A Yes.

Q Is he an ethical, honorable, practitioner?  
A As far as I know.  
Q Do you know Doctor Theodore Von Storch?  
A Yes sir.  
Q Is he an ethical and honorable practitioner?  
A Yes sir, I guess so.  
Q Pardon?  
A Yes sir.  
Q Do you know Judge Marshall Wiseheart?  
A No sir.  
Q Were you there when Judge Wiseheart arrived?  
A I wouldn't know him if I saw him, sir.  
Q Do you recall who was the first friend or relative of Judge Holt's that entered the room?  
A I don't remember anyone coming into Emergency.  
Q Did you have anything to do with removing him from Emergency to a private room?  
A Yes sir.  
Q Did you continue to attend him in the private room?  
A No sir.  
Q Another nurse took over there?  
A Yes sir.  
Q Do you know County Patrolman Schultz, who was on duty for a couple of years in the outer office of that Emergency Room?  
A Yes.  
Q Pardon?  
A That's right.  
Q To your knowledge, is he an honorable man?  
A As far as I know.  
Q If you smelled alcohol, do you know how long before Judge Holt had had a drink, before he came in?  
A No sir.  
Q If you smelled alcohol, do you know how much he had had to drink before he came in?  
A I have no idea.  
Q It was your opinion that you smelled alcohol on his breath?  
A Yes, he smelled like other people that have had drinks.  
Q Is that your opinion?  
A Yes sir.  
Q You don't know how long before or how much?  
A No sir.  
MR. HUNT: That is all.

RE-DIRECT EXAMINATION

BY MR. HOPKINS:

Q Mrs. Ainsley, did you see Doctor Zundell make any tests to determine whether or not Judge Holt was under the influence of whiskey or had any alcohol?  
A No sir, I didn't.  
MR. HOPKINS: We have no further questions. With permission, we would like to excuse this witness.  
MR. HUNT: That is agreeable.

(Witness excused).

MR. HOPKINS: Thank you very much. You may go.

MR. BEASLEY: Mr. Chief Justice, we wonder at this time if we could have about a five-minute recess, to see right where we stand. I think maybe the prosecution may want to go into another phase.

CHIEF JUSTICE TERRELL: Without objection, the request will be granted.

(There was no objection).

CHIEF JUSTICE TERRELL: The Senate will be at ease for five minutes.

Whereupon, beginning at 1:40 a.m., the Senate was in informal recess until 11:45 a.m.

CHIEF JUSTICE TERRELL: Order in Court. The Chair declares a quorum present.

(Thereupon the witness Ray Hibbs was called back into the Senate Chamber).

CHIEF JUSTICE TERRELL: Mr. Hibbs, Senator Branch, of the Court, has sent up this question:

"Who advanced you the \$100 check for your return to Miami over the weekend, when you had earned only \$33 as a witness through last Friday?"

WITNESS HIBBS: The check was signed as an advance for witness fees.

SENATOR SHANDS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Shands.

SENATOR SHANDS: If you are through with that question I want to make a statement.

CHIEF JUSTICE TERRELL: Did you finish your answer, Mr. Hibbs?

WITNESS HIBBS: Yes sir.

SENATOR SHANDS: I don't want to ask him any questions.

(Witness Ray Hibbs left the room).

SENATOR SHANDS: The inference seems to have been drawn that they have been advanced money, and so forth. I want to say, as the one signing the checks for the witnesses in this trial, that the only advances that have been made have been two for the defense and one for the Managers, which I had to telegraph to those witnesses at the request of counsel on each side.

Any other advances have been by the Managers or counsel for the defense. Certainly, those things will be taken into consideration when we go to settle with those witnesses on their per diem and mileage.

SENATOR BRANCH: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Branch.

SENATOR BRANCH: The witness didn't fully answer my question. I asked him who gave him the check. I want to know where the money came from.

MR. MUSSELMAN: I can answer that. I advanced the funds myself on an account I'm authorized to write checks on.

SENATOR BRANCH: On your personal - - -

MR. MUSSELMAN: Oh, no. No, no. It is a fund, a revolving fund provided for us under the Attorney General's opinion.

SENATOR BRANCH: You advanced him \$100 witness fee when he had only earned \$33?

MR. MUSSELMAN: He was entitled, as I understood it, to a round trip ticket on the basis of twenty cents per mile - - ten cents per mile or twenty cents for the round trip, which would be \$100.

SENATOR BRANCH: He said this was witness fee money - - in other words, not per diem.

MR. MUSSELMAN: Well, he would be entitled to \$100 plus per diem.

SENATOR BRANCH: I can't see advancing any witness more money than he has earned. If he had been discharged, then somebody would have been in the hole.

MR. MUSSELMAN: It would be me, Senator.

CHIEF JUSTICE TERRELL: Is your question answered, Senator Branch?

SENATOR BRANCH: Yes, Your Honor.

MR. HOPKINS: If the Court please, we would like to recall Mrs. Ainsley, just for one question.

CHIEF JUSTICE TERRELL: Bring Mrs. Ainsley back in. Thereupon, the said,

MARTHA AINSLEY,

a witness called and previously duly sworn, and who previously testified, was recalled to the stand, was further examined, and testified further as follows:

#### FURTHER RE-DIRECT EXAMINATION

BY MR. HOPKINS:

Q Mrs. Ainsley, I neglected to ask you a question: Are you a Registered Nurse?

A Yes, I am.

Q How long have you been a Registered Nurse?

A Oh, since 1932.

MR. HOPKINS: Thank you very much.

(Witness excused)

MR. MUSSELMAN: Call Mr. Abner Avirett, Jr. Thereupon,

ABNER AVIRETT, JR.,

a witness called and duly sworn in behalf of the House Managers, was examined and testified as follows:

#### DIRECT EXAMINATION

BY MR. MUSSELMAN:

Q Mr. Avirett, would you state your full name and address? And spell your name?

A Abner Avirett, Jr. - - A-b-n-e-r, Abner, A-v-i-r-e-t-t. I live at 1417 Shuffield Drive, Tallahassee.

Q What is your business or profession?

A Certified Public Accountant

Q How long have you been engaged in the practice of public accountancy?

A I've been in accounting work since 1935. I got my certificate in 1949.

Q What experience have you had in this field, sir?

A I've been in accounting work since 1935. I have been in my own practice since 1953.

Q Have you held any official position with any State institutions?

A I was Comptroller of Florida State University.

Q For how long?

A Six years.

Q In connection with that work what were your duties?

A I had all the accounting work and preparation of statements.

Q Are you still engaged in that line of work? Are you still Comptroller of Florida State University?

A No sir. I am a Certified Public Accountant, practicing in my own name.

Q Do you maintain your own office here?

A Yes.

Q Where do you maintain offices?

A 203 West Pensacola Street.

Q Did you have occasion, sir, at my request, or our request, to examine the Dowling files?

A I did.

Q When did you first commence your examination of the Dowling files?

A Last Thursday, I believe it was.

Q Mr. Wasserman, a CPA in Miami Beach, has testified here before us in behalf of the defense and he has testified that it was impossible for him to determine the full receipts and full disbursements made in the Dowling estate matter by the curators. Have you examined the files with the view in mind of determining receipts and disbursements?

A I have, only to the extent of his reports.

Q Of his reports?

A Yes sir.

Q Have you made a report based upon his reports?

A Yes.

Q Do you happen to have a copy of that report with you?

A Yes sir.

Q Does your report, which you have testified was based upon Mr. Wasserman's reports, contained in the file, indicate how much monies were received and how much were disbursed during the period of the curatorship on the Jewell Alvin Dowling estate?

A Yes.

Q Could you tell the Court, please, what the total amounts were that were received and what the total amounts were that were disbursed?

MR. HUNT: Your Honor please, has it been established from what records this witness prepared his reports?

BY MR. MUSSELMAN:

Q Will you please testify as to what records you established your report on?

A From Mr. Wasserman's reports in the Court file.

Q Did you examine the original reports?

A Yes.

Q That is, the reports that were contained in the Court file?

A Yes sir.

MR. HUNT: May I ask the witness one question, one qualifying question?

BY MR. HUNT:

Q Were you given any other reports of Mr. Wasserman about which he testified here, but which are not included in the Court file?

A I don't know what he has testified.

Q Let me ask you this question: Did you base your report solely upon Mr. Wasserman's reports contained in the Court file?

A Mr. Wasserman's reports and any other evidence in the file, yes.

Q What do you mean "any other evidence"?

A The Court orders, and that sort of thing.

Q Well, then, it's not based solely on Mr. Wasserman's reports?

A The figures are exactly Mr. Wasserman's figures, yes sir.

Q But nothing outside of the Court file?

A No sir.

MR. MUSSELMAN: Is counsel through interrogating?

MR. HUNT: Yes sir.

BY MR. MUSSELMAN:

Q Could you answer the question previously asked as to the total receipts and total disbursements?

A In this total disbursements, I do have included in that some Court orders which were issued after May 31, which was the end of Mr. Wasserman's report. Now as to that I don't know whether they were paid. There were Court orders issued for the amounts. Including those, we had \$208,841.04 disbursements and \$258,904.75 as receipts.

MR. HUNT: May I ask. Your Honor please, for a copy of the report the witness testified from?

(Mr. Hopkins handed a document to Mr. Hunt).

BY MR. MUSSELMAN:

Q Did you also, in connection with your accounting work in connection with these Dowling files examine a probate file also?

A Yes sir.

Q In relation to Mr. Dowling's estate?

A Yes sir.

Q Would you please tell the Court what the balance, as shown, turned over to the Probate Court, was, by the curators?

A \$50,063.71.

Q Did this figure that you have now testified to, correspond to the figure that you determined to be the balance?

A Yes.

Q From Mr. Wasserman's reports and from the orders?

A Yes sir. Mr. Wasserman's report and the Court orders issued afterwards, after May 31st.

MR. MUSSELMAN: All right, sir.

SENATOR EDWARDS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Edwards.

SENATOR EDWARDS: The hour for lunch is rapidly approaching, and I move you that we not adjourn for lunch until we finish with this witness.

CHIEF JUSTICE TERRELL: You have heard the motion, gentlemen.

SENATOR RAWLS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Rawls.

SENATOR RAWLS: For myself, I have a twelve o'clock appointment which is made on the understanding that we were to adjourn. I don't know if the other Senators have or not, but I would rather go ahead and adjourn now and take this witness up when we come back. We haven't gotten into anything where we couldn't break the continuity, so I offer the substitute motion, Mr. Chief Justice, that we do now recess for lunch.

(The substitute motion was seconded from the floor).

CHIEF JUSTICE TERRELL: The motion to adjourn, a substitute motion, takes precedence, over any other motion. It has been moved and seconded that we do now adjourn until two o'clock. All in favor of the motion say "aye."

(Those in favor of the motion so voted).

CHIEF JUSTICE TERRELL: Opposed, "no."

(There was one "no" vote).

CHIEF JUSTICE TERRELL: The "ayes" have it. Court stands adjourned until two o'clock.

Whereupon, the Senate, sitting as a Court of Impeachment, stood in recess at 12:00 o'clock, Noon, until 2:00 o'clock P. M., the same day.

## AFTERNOON SESSION

The Senate reconvened at 2:00 o'clock P. M., pursuant to recess order.

The Chief Justice presiding.

CHIEF JUSTICE TERRELL: Order in the Court. The Chair finds all members of the Court present. Counsel may proceed.

ABNER AVIRETT, JR.,

a witness previously called in behalf of the House Managers, was again recalled to the witness stand.

MR. MUSSELMAN: Mr. Chief Justice, prior to any testimony on the part of this witness, the prosecution has conferred during the lunch hour. We have several other witnesses available to testify this afternoon. We have brought Mr. Meserve down from Boston, and we have gone over what they expected to testify to and we cannot, in good conscience, expect that some of their testimony might not be in exact rebuttal of what was presented by the defense.

We have considered the injunctions that were placed upon counsel on both sides by the Chairman of the Rules Committee this morning, and we have determined that it would be best for us at this time to allow this witness to be cross examined, and then we will close and present no further testimony.

MR. SUMMERS: Mr. Chief Justice, we have no questions of this witness.

CHIEF JUSTICE TERRELL: You are excused, Mr. Avirett. Come down.

(Witness excused).

MR. MUSSELMAN: The prosecution rests.

MR. HUNT: Your Honor please, in view of the fact that the prosecution has rested without any pre-announcement which would afford us an opportunity to have our surrebuttal completely ready, I would like about five minutes for conference with the Court and Senator Davis' committee and opposing counsel, if possible, at this time.

SENATOR SHANDS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Shands.

SENATOR SHANDS: I move you that we recess for fifteen minutes - - or can you get by with five minutes?

MR. HUNT: That will be enough.

SENATOR SHANDS: I move that we recess for five minutes.

CHIEF JUSTICE TERRELL: Without objection, the recess is granted.

Whereupon, beginning at 2:05 o'clock p.m., the Senate stood in recess for five minutes.

CHIEF JUSTICE TERRELL: Court will be in order. A quorum is present.

SENATOR DAVIS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Davis.

SENATOR DAVIS: And Members of the Senate, the Special Rules Committee just had a meeting with Chief Justice Terrell and the attorneys on both sides.

As you know, the State has rested. The Defense has two more witnesses, one that is in town and they have sent for him. It will be about ten or fifteen minutes before they are ready to proceed with his testimony.

The other witness cannot get here until nine-thirty tonight, so we have tried to work out this schedule: the De-

fense has agreed to put him on the stand at nine o'clock in the morning, with the understanding that he will not be on the stand for more than an hour at a maximum. Then the Defense will be ready to rest at ten o'clock in the morning.

Of course, the State has the right to cross examine this witness that is coming from Miami by plane and will arrive tonight.

After that, it has been suggested that the arguments - - that the attorneys will start their arguments, taking not over two hours to the side. The arguments will start, in all probability, immediately upon the conclusion of the State's cross examination of that witness tomorrow.

Mr. Chief Justice, I move you, Sir, that when we adjourn this afternoon that we adjourn to reconvene at nine o'clock in the morning.

(The motion was seconded from the floor).

CHIEF JUSTICE TERRELL: Gentlemen, you have heard the motion, all in favor let it be known by saying "aye."

(Those in favor of the motion so voted.)

CHIEF JUSTICE TERRELL: Opposed, "no."

(There were no votes in opposition to the motion.)

CHIEF JUSTICE TERRELL: The "ayes" have it and the motion is adopted.

SENATOR DAVIS: This afternoon, as I said, we have one other witness. He will probably just be on the stand for a very few minutes - - not very long - - and after that there is nothing to do but to adjourn until in the morning at nine o'clock, after they finish with that witness.

Mr. Chief Justice, I move that the Senate do now stand in informal recess, subject to a call by the Chief Justice.

CHIEF JUSTICE TERRELL: Without objection, that will be the order.

Whereupon, beginning at 2:16 o'clock p.m., the Senate stood in recess until 2:44 o'clock p.m.

CHIEF JUSTICE TERRELL: Order in Court.

MR. HUNT: Is the Court ready?

CHIEF JUSTICE TERRELL: The Court is ready.

MR. HUNT: Will you call Joe Turnquest, please?

Thereupon,

JOSEPH E. TURNQUEST,

a witness called and duly sworn in behalf of the Respondent, was examined and testified in surrebuttal as follows:

#### DIRECT EXAMINATION

BY MR. HUNT:

Q Will you state your name.

A Joseph E. Turnquest.

Q How do you spell your last name, Joe?

A T-u-r-n-q-u-e-s-t.

Q How old are you?

A 29.

Q Joe, where were you born?

A 8500 Northeast 10th Avenue, Miami, Florida.

Q Is that next door to Judge Holt's house?

A It is.

Q Does your mother still work there?

A She does.

Q How long has she worked there, Joe?

A 35 or 36 years.

Q Where did you go to school? In Miami?

A In Miami, yes sir.

Q Did you graduate from high school there?

A I did.

Q Are you married, Joe?

A I am.

Q Do you have children?

A Four.

Q Where do you live?

A 986 Northwest 10th Street, Hallandale.

Q In Hallandale?

A Yes.

Q Where are you working at the present time?

A Hollywood Tile & Terrazzo.

Q Hollywood what?

A Tile & Terrazzo.

Q Hollywood Tile & Terrazzo?

A That's right.

Q How long have you worked there?

A Oh, about 20 months now.

Q About 20 months?

A Yes.

Q Where did you work prior to that time?

A Terry Auto Service.

Q Where is Terry Auto Service?

A 8347 Biscayne Boulevard, Miami.

Q How far is that from Judge Holt's house?

A I'll say about two and a half blocks.

Q It is almost straight west from his house, isn't it?

A Straight west, one block.

Q How long did you work there, Joe?

A About 14 years.

Q For Terry Auto Service?

A Terry Auto Service.

Q Now, during the time you worked there did you have occasion to work, off and on, for Judge and Mrs. Holt?

A I did.

Q Will you state to the Senate what you did for them, what kind of work?

A I drove them and I also protected them.

Q Now, when you say you drove them and protected them, tell the Senate what you mean by that?

A Well, in other words, I was a chauffeur and I was his bodyguard.

Q When did your bodyguard assignment start out, if you recall?

A As I recall, it was right after the disappearance of this judge in Palm Beach, Judge Chillingworth I think his name is; and Mrs. Holt was a little bit afraid to go out by herself, and the Judge.

Q Now, did you have any instructions from them when you would drive them as to what would happen when you brought them home in the evening?



A Yes sir.

Q What were your instructions?

A They always instructed me never to leave the premises until both of them were in the house and the door was locked.

Q Joe, did you drive the Judge and Mrs. Holt, on the night of December 20, 1955, when the Judge was injured?

A I was - - I did.

Q Do you recall about what time you appeared at their residence and drove them to wherever they went?

A Well, I appeared there around six-thirty.

Q Had you worked that day?

A Yes sir, I did.

Q Was that while you were working at the Terry Auto Service?

A Yes sir.

Q Go ahead.

A And so I goes over to the job and I change clothes there and taken my bath and got in my uniform.

Q Do they have a maid's quarters there that you use?

A Yes sir, that was in the maid's quarters, yes sir.

Q Go ahead.

A After getting dressed, then we drove from there over to this place over on the Beach.

Q Where was it on the Beach, Joe?

A The Dodge place.

Q Do you remember where it was?

A I do.

Q Where was it?

A I can tell you closely, but it's on North Bay Road and about 57th or 55th Street, I think.

Q Does their house back up on the Bay?

A It faces the Bay. The back faces the Bay Road.

Q It faces east, faces Bay Road?

A Yes sir.

Q Now, I want you to state about what time you drove Judge and Mrs. Holt over to the Dodge place that night?

A Well, we arrive there around quarter to eight.

Q You arrived there about a quarter to eight?

A Yes sir, about a quarter to eight.

Q What happened when you got there? Did you drive them up to the front door?

A I did, sir.

Q Did they get out?

A They got out.

Q Then what did you do?

A I backed the car out, right across from the entrance, the gate, and I parked it, and there I stuck and waited for them.

Q You waited for them there?

A That's right.

Q Were you in a place where you could see the entrance?

A That's right. I was right opposite the entrance.

Q Now, what happened later when it came time for them to go home?

A Well, when it came time for them to go home, I always was instructed to watch the entrance, and then Little George came out, but he went back in, so I figured it was time to go, and I cranked up the car and drove into the entrance and picked the Holts up.

Q Now, did you get out of the car to let them in, or how about that?

A I did.

Q Give us the whole operation.

A Well, when I drove in it was my duty to get out and open the door for them to get in. Well, when I got there there was one doorman, I would say he is, and he didn't open the door. I opened the door, because Mrs. Holt had a real large dress on and she always wanted me to help her get in with it. After she got in then the Judge got in and I closed the door and we backed out and I drove them home.

Q You mentioned the doorman there. Was he there, helping people in and out of their cars?

A He was.

Q How many of these car parkers did you see carrying people's cars back and forth?

A I didn't see any, not one, parking cars there, because that was the only one I seen at the time I was there. Everybody seemed to park their own cars, drive their own cars up. The doorman would open the door and they got out, and they drove out and parked their own cars.

Q You didn't see any parking lot attendants?

A No attendants, no sir.

Q Now, I want you to state to the Senate, Joe, what Judge's condition was with respect to drinking or alcoholism or sobriety when he got to the car and you took him home?

A Repeat that again, please. I didn't get that question.

Q I'll change the question. I want you to state whether or not Judge Holt was in normal condition in every respect when he reached the car and got in.

A Well, he was.

Q Did you help him in the car?

A I did not. He got in on his own.

Q Did anybody help him into the car?

A No one.

Q Is it true or untrue that two men helped him to the car?

A That's untrue.

Q Now, tell the Senate what happened when you got home and about what time you reached home.

A Well, we reached home, I'll say, about five minutes to nine - - somewhere around there. Well, anyway, it was about that time; and after that I drove into the back entrance of the Holt residence and they got out and Mrs. Holt went on in the house, and I drove the car up to the hedge where they usually park it.

Q That is further on back in the lot, is it?

A That's right; and the Judge, he was still waiting, because he always waits for the key, and I walk with him to the door. But before doing that, when I was working at the station there, he had some sort of a rattle in the trunk of the car, which I heard that night, and he wanted me to look after that the next day, and we talked there about ten minutes, something like that, and after that I handed him the key and we walked to his back door and I saw him in the house and he closed the door, then I walked away and got in my car and went down to the Little Farm and got some eggs.

Q Now, tell the Senate where the Little Farm is and just what it is.

A The Little Farm is an all-night grocery store.

Q Sort of an open street market, isn't it?

A Open, yes sir.

Q How far is it from Judge Holt's house?

A It's the same distance from his house to where I work, because it's right across the street.

Q It's right across the street from your filling station?

A That's right.

Q All right. You went there, you say, to get some eggs?

A To get some eggs for breakfast the next morning.

Q Now, did you notice the time when you got to the Little Farm?

A I did notice the time, because it was almost ten minutes after nine. I'll say, maybe, seven or eight minutes.

Q Now, how come you to notice the time, Joe?

A Because I was on my way, if it was early enough - - I had some friends in Opalocka that I wanted to see, and I figured after checking the time, and the time that it would take me to get from there, out there, it would be too late, so after I checked the time it would be about nine-twenty-five when I would get there, and it was too late, so I drove on home. That's how come I noticed the time.

Q Did you get your eggs?

A I did.

Q Now, going back to where you left Judge and Mrs. Holt out of the car, does their driveway go in the rear of their lot and in the rear of the house?

A It does.

Q It's a pretty big size lot, isn't it?

A It is.

Q Is it sort of a circular driveway?

A It's got a little circle with an oak tree in it, yes sir. Can I kind of mark out here how it is?

Q Yes.

(The witness sketched, in pencil, upon a sheet of yellow ruled paper.)

A That's the 84th Street entrance, there. That's the house.

Q This is the 84th Street entrance?

A That's right.

Q Where is the house?

A Right here.

Q Very well. Now, then, you go in the 84th Street entrance and in a circular driveway, and you are driving, in a circular fashion, towards the north, aren't you?

A That's right, yes sir.

Q And before you get to the house there is an offshoot driveway?

A Yes sir. That's where I stopped.

Q Is that where you took the car down?

A Yes sir.

Q Have they got some trees down there?

A Yes sir, right inside.

Q Had Judge Holt and Mrs. Holt both gotten out near the house before you went on down there?

A Yes sir, they did.

Q Both of them did?

A Yes sir, both of them.

Q Did anybody help Judge Holt out?

A No one.

Q I believe you testified that you went on down and parked the car and you took the keys and brought them on back. Where was Judge Holt?

A He was standing right there in this little - -

Q By the house?

A Right by the house there where you branch off to go to that tree.

Q Waiting for you to bring him the key?

A Yes sir, waiting for me to bring him the key. That's where we talked about the rattle.

Q Who brought up the rattle, you or the Judge?

A The Judge did.

Q And what arrangement was made about the rattle?

A I was supposed to fix it the next day.

Q Do you recall whether or not you did fix it the next day?

A Well, I don't think I did.

Q Now, you went straight from there over to the Farm?

A The Little Farm.

Q That's about four blocks straight west?

A It's about two and a half blocks.

Q Two and a half blocks?

A Yes sir.

Q And it was then approximately ten minutes after nine?

A That's right.

Q Is that correct?

A It was about seven or eight minutes after nine, like I say. It wasn't quite exactly ten, because I noticed the hand between the 1 and the 2. It wasn't on the 2 yet.

Q Did the clock have minute numbers on it or just 1, 2, 3, 4, 5?

A 1, 2, 3. That's why I say it was seven to eight minutes, because if it was marked I could say exactly what time it was.

Q And where was that clock?

A Right over the meat counter.

Q At the Little Farm Grocery?

A At the Little Farm.

Q Joe, it is your testimony under oath that Judge Holt was helped into that car by no one and that he was perfectly normal in every respect. Is that correct?

A That's correct.

MR. HUNT: Take the witness.

#### CROSS EXAMINATION

BY MR. JOHNSON:

Q Joe, where are you living now?

A 986 Northwest 10th Street, Hallandale.

Q Is that in Broward County?

A In Broward County.

Q How long have you been there?

A I've been there about four years now.

Q You were living there on the night of the Dodge party, then. Is that right?

A That's right.

Q Do you mean you would come up or go down to Miami to chauffeur the Judge around to these various parties?

A No. You see, when I would come from home in the morning I would bring my clothes with me, and after work, I would leave work and go over to the house.

Q But you had been living at Hallandale for a couple of years prior to the Dodge party. Is that right?

A That's right.

Q How long had you been working for Judge Holt, off and on?

A Well, I'll tell you. I was just a kid, and he always wanted me to pull weeds, or something like that; but I would say approximately, to a certainty - - well, right after the disappearance of this Judge Chillingworth up at Palm Beach they asked me to work for them as a bodyguard.

Q You say you've been working for Judge Holt ever since you were a kid?

A That's right.

Q How old are you now?

A 29.

Q How many years has it been since you've been working for Judge Holt off and on?

A I would say approximately almost two years.

Q Beg pardon?

A Almost two years.

Q This is 1957. Do you mean that you only started working for him in 1955?

A Oh, '55 or - -

Q You say you were a kid. What age do you mean?

A Well, I would say in my teens.

Q Well, you have been working for him off and on ever since you were in your teens?

A That's right.

Q And you are now 29 years old?

A That's right.

Q I believe you stated that your mother had been working in the same place for a number of years. Is that right?

A That's right.

Q Where does your mother work?

A At 8500 Northeast 10th Avenue.

Q Well, where is that in relation to where Judge Holt is?

A Right next door.

Q So your mother had been working next door to Judge Holt for 35 years?

A Yes sir.

Q Does she still work there next door to Judge Holt at the present time?

A She does.

Q Does she occasionally do work for the Holt family when they get in a tight?

A I couldn't tell you. I wouldn't know.

Q How many times have you been to the Dodge house, Joe?

A Just that once.

Q I think you testified that when Judge Holt got in, you backed your car out and drove off. Is that correct?

A No, I didn't drive off. I parked. I backed out right at the entrance and parked.

Q When he got into the car - - I made a note of what you said - - I understood you to say that you backed your car out and drove him home. Did you say that?

A That I backed the car out and drove him home?

Q Yes.

A Well, right after that, when they was ready to go.

Q Well, that is a circular drive at the Dodge place, isn't it, Joe?

A Well, it might have been. I didn't pay much attention to it, because there were cars in front of me.

Q Isn't it true that that was a circular drive at the Dodge place, circling up to the doorway, the entrance?

A It might have had a circle in it, but I never made no circle.

Q Isn't it true that there were some cars coming up behind you and it would have been impossible for you to have backed up?

A No, not at the time.

Q Or do you recall?

A I do recall, yes.

Q It is my understanding of your testimony that you drove in the circular drive, drove up to the doorway, and then backed out the same way you came in. Is that right?

A That's right.

Q Why didn't you drive on up the circular drive?

A Because there was cars in front of me.

Q Isn't it also true, Joe, that on that circular drive, going back to the street, there is another road going off at an angle, so that if cars are blocking the circular drive you could continue to drive on to the side street. Is that right?

A Well, that I don't know. I didn't pay it no attention.

Q You don't recall that?

A No.

Q But your testimony is now that you definitely remember backing out of that circular drive?

A That's right.

Q And you say that there was no one helping Judge Holt into the car. Is that correct?

A That's correct.

Q Well, who was at the car when Judge Holt got in the car?

A There was that doorman there.

Q Well, who else?

A I mean there might have been a lot of people there, but - -

Q Was Judge Prunty there?

A He might have been, but I don't know. I didn't pay that much attention.

Q Was Judge Holt's son there?

A He was.

Q Was Mrs. Holt there?

A Mrs. Holt was there.

Q Was Mrs. Prunty there?

A As I said, I didn't recognize the people, didn't pay that much attention.

Q You just don't recall. Is that it?

A Well, I do recall there being some people there, but no one there in particular.

Q Now, you say that you have been a chauffeur and body-guard ever since Judge Chillingworth disappeared. Is that right?

A Yes sir.

Q Did you carry any weapons or anything when you were driving them around?

A No sir.

Q You testified that you got someplace at seven or eight minutes after nine. Where was that?

A The Little Farm restaurant - - I mean the Little Farm Grocery Store.

Q Are you sure that it was exactly seven minutes after nine when you got there?

A Well, I couldn't say it was exactly, because, it's like I said there's a clock on the wall there that - - it didn't have all the numbers on it.

Q Have you made any statement to anyone that you got to the Little Farm Grocery at exactly seven minutes after nine?

A As I recall - -

Q Did you tell somebody about that?

A I did.

Q Did you tell him you got to the Little Farm at exactly seven minutes after nine?

A I didn't tell him exactly.

Q Did you talk to Art Pignon, of Miami - - an investigator?

A I don't remember.

Q For the Bar?

A I don't remember.

Q Did you tell him you got to the little store at exactly seven minutes after nine?

A I didn't tell him that, because I couldn't say it was exactly.

Q You got there at either seven or eight minutes after nine, did you?

A I didn't make no special time, because the hands didn't have the minutes on them.

Q Where have you testified before about this case, Joe? Have you testified before any other group before?

A No one.

Q And your memory's still good, so good that you can remember within two minutes of the space of time what time you got to the little store?

A Well, I paid that much attention to the time. I just estimated seven or eight minutes.

Q Oh, now you're just estimating seven or eight minutes.

A Well, I mean this clock they got there, it doesn't have the minutes on it. If it had the minutes I could tell you exactly what time it was, to the minute.

Q Well, what was so important about the time that you had to remember the time to the exact minute, Joe?

A What was that?

Q Why did you just happen to remember the time so accurately on this particular occasion? What was so unusual about it?

A Well, the reason I noticed the clock is because I had

some friends in Opalocka I wanted to go see, and from the grocery store I estimated it would be too late, to go to Opalocka, too late for me to go and see them.

Q What time had you left the Dodge party?

A We left the Dodge party, oh, I'll say around - - oh, about somewhere around twenty-five minutes to nine.

Q What time did you arrive at the party? Do you recall?

A About a quarter to eight.

Q Can you give the time any closer than that?

A I couldn't.

Q Do you still work for Judge Holt, Joe?

A Not now. I still work for him, but where I'm working at now, it's kind of difficult for me to come down there.

Q Did your mother contact you to ask you to come up and talk to him about this case?

A No sir.

Q You haven't talked to your mother about this case?

A I have not.

Q Is it true that on occasions when Judge Holt wanted you to work for him that he would send word to you through your mother, that worked next door?

A No.

Q She has never sent word to you - - he has never sent word to you through your mother?

A Not as I can recall.

Q Can you be sure of that?

A No.

Q You can't be sure of that?

A I can't be sure.

MR. JOHNSON: That is all.

#### REDIRECT EXAMINATION

BY MR. HUNT:

Q Joe, was your statement taken by an investigator shortly after Judge Holt's accident?

A Yes sir.

Q Did you tell that investigator the same thing that you are telling the Senate here today?

A Yes sir, just the same thing.

MR. HUNT: That is all.

MR. JOHNSON: That is all.

MR. HUNT: Come down, Joe. Thank you. You can go right out the door there.

SENATOR DAVIS: Mr. Chief Justice.

CHIEF JUSTICE TERRELL: Senator Davis.

SENATOR DAVIS: I would like to inquire if the defendant rests at this time.

MR. HUNT: We have that one witness for tomorrow morning.

SENATOR DAVIS: With that exception?

MR. HUNT: Yes, sir.

SENATOR DAVIS: Mr. Chief Justice, I move you, Sir, that the Senate do now go into executive session.

(The motion was seconded from the floor.)

CHIEF JUSTICE TERRELL: You have heard the motion, gentlemen. All in favor let it be known by saying "aye."

(Those in favor of the motion so voted.)

CHIEF JUSTICE TERRELL: Opposed, "no."

(There were no votes against the motion.)

CHIEF JUSTICE TERRELL: The "ayes" have it. The motion is adopted.

Whereupon the doors of the Senate Chamber were closed at 3:10 o'clock P. M.

The doors of the Senate Chamber were opened at 3:37 o'clock P. M.

CHIEF JUSTICE TERRELL: Order in the Court.

SENATOR DAVIS: Mr. Chief Justice - -

CHIEF JUSTICE TERRELL: Senator Davis.

SENATOR DAVIS: I move you, sir, that we do now adjourn.

CHIEF JUSTICE TERRELL: You have heard the motion. Those in favor will signify by saying "Aye".

(Those in favor so voted.)

Those opposed "no."

(There were no votes.)

The "ayes" have it and the Senate is adjourned.

Whereupon, the Senate, sitting as a Court of Impeachment, stood adjourned at 3:38 o'clock P. M. until 9:00 o'clock A. M., Thursday, August 15, 1957, pursuant to the motion made by Senator Davis, this day.